Sectt. II-27—36,006—30-10-3

E & P. H. (1938) Department.

MS SERIES.

G.O. No. 359 P.H

DATED 29 - 1 - 1938.

Despatch Abstract.]

ENDOWMENTS -

Mangalore Town Hall Fund - Vesting in the Treasurer of Charitable Endowments - Scheme of Administration - Draft notifications published.

15 JUL 1935
LOCAL SELF-GOVERNMENT
9 AUG 1935
BOARD OF REVENUE
LAND REVENUE AND SETTLEMENT
15 JUL 1935
SECRETARY TO GOVT.

From South Kanara Collector's Office,

Mangalore, Dated 12th July 1935.

E. M. Cawne, Esq, I.C.S.,

Collector of South Kanara.

To 29063

The Chief Secretary to the

Government of Madras,

Public Department, Madras.

Sir,

Trust Funds--Mangalore Town Hall Funds--Action under the Charitable Endowments Act VI of 1890--requested.

The late Dewan Bahadur A. Subba Rao was an important figure in the public life of Mangalore. He was Chairman of the Municipal Council from 1905 to 1912, President of the District Board from 1910 to 1925 and President of the South Kanara Educational Council from 1925 to 1927 that is till the date of his death. He was also a member of the Legislative Council from 1909-1911. Necessarily therefore he was associated closely with the organisation of celebrations or important occasions such as the Delhi Durbar and the peace celebrations in 1919. In this way he came to be the custodian of different funds which were collected on various occasions and which were never spent because the funds were insufficient for the object intended. At the time of his death in October 1927 he was in sole control of the following funds which were in fixed deposit in local banks:-

1. The Union Club Fund value Rs.2905-13-5 on date of maturity of fixed deposit (31.8.1934).
2. The Victoria Memorial Fund value Rs.3830-11-2 on date of maturity (26.6.1934).
3. The Edward Coronation Fund value Rs.1921-13-7 on date of maturity (27th September 1934).
4. The Delhi Durbar Fund value Rs.1003-4-6 on date of maturity (31.8.1935).
5. The Victory Fund value Rs.7946 on date of maturity (illegible)

The existence of these funds was quite [illegible]

but Mr. Subba Rao proved very difficult to anybody who approached him for more precise information. He had informed me himself that the money meant was for building a town hall and he had no intention of letting it out of his grasp for any other purpose. I think too that as he was a lawyer he must have realised that his position in holding this money as a sole Trustee without keeping any accounts was very irregular, and if once he allowed other people to look into the funds he would be in considerable difficulty to explain how he had been administering these funds all these years. He had no legal status either to spend the funds or to hand them over to others to be spent. After his death his son handed over the papers to me and I found that there was no sign of any accounts. There were bundles of papers which were mostly receipts or acknowledgments from different banks and these papers were in no particular order. However by the courtesy of the banks I was able to reconstruct accounts approximately for the last 20 years. But it is not possible to trace back Funds 1 and 2 before 1st May 1913. Till then the two amounts had been kept in one sum. Mr. Subba Rao then divided them into Rs. 1,000 and Rs.1468-11-4 and placed them in fixed deposit in the Imperial Bank. The fact that one sum was precisely Rs.1,000 suggested that the division was arbitrary. Similarly the King Edward Coronation Fund cannot be traced before the 28th July 1916; although it is clear that the money must have been collected about 1901 or 1902. The Delhi Durbar Fund is supported by a printed statement of receipts and charges which shows a cash balance of Rs. 642-4-11 on the 2nd March 1910. The money remained in the Treasury and in October 1914 it was found to amount to Rs. 65-2-2; but it was not till a year later that the money was drawn from the District Treasury and deposited in the Imperial Bank. The Collector and Treasury Dy. Collector appear to have raised no question about handing the money over to Mr. Subba Rao.

3. When I was corresponding with the Banks about these funds I found with regard to Fund 2 a subsidiary fund of Rs.71-9-2 which was a half year's interest deposited in the Savings Bank on the 31st December 1926 and apparently forgotten. An item of Rs.35-1-0 being interest of Fund 4 for the half year ending 1st June 1927 was found to have been drawn in cash and it could not be traced.

asked Mr. Subba Rao's son to replace this sum with accrued interest Rs.10-15-0 and he did so. These sums were drawn out so that the half year's interest might itself be invested for six months instead of the interest being drawn once a year only and then added to the capital. This shows that Mr. Subba Rao was very anxious to take every opportunity of increasing the funds.

4. In June 1934 Mr. Subba Rao's son moved the District Court to appoint the Collector as a Trustee to these funds and the District Court passed an order in C.P.50 of 1934 of which I enclose a copy. On the 28th of August 1934 I convened a public meeting to discuss the disposal of these funds and to see whether any arrangement could be made to appoint a Committee to put the money to use. The meeting was well attended and several members of the Bar pointed out legal difficulties in the way of making any resolution which could authorise any person or persons to deal with the money. It was also argued that the order of the District Judge appointing the Collector as Trustee was not regular. I therefore adjourned the meeting without any resolutions being passed and I sent the papers to the Government Pleader, the late Mr. M.V. Prabhu, for his opinion.

5. Mr. Prabhu was of opinion that the order of the District Court making the Collector a Trustee was not likely to be contested and was convenient in the circumstances. Of the courses of action open to the Collector he thought it best that action should be taken under the Charitable Endowments Act VI of 1890 and that I should address the Government as soon as possible to take control of the funds. He pointed out however that the Government could not make an order for vesting the property in the Treasury for Charitable Endowments, that is to say the Accountant General, unless the funds were in a security conforming to section 4 (2) of the Act.. I therefore invested four of the funds which had matured in 5½% bonds of the 1938-40 Government loan, and waited until June 1935 for the last fund to mature. I have now invested this last fund also in the same security and the following bonds are in my name at

Promissory Note 5½% Loan 1938--1940

14.	6660/01	Rs. 10,000
	9991/60	" 1,000
	6676/40	" 1,000

G [illegible] from [illegible] 1,000

D [illegible] " " 500

F [illegible] " " 500

= 14,000

The interest on the investments made in 1934 has not been drawn.

6. Last month I had given notice that the matter of these funds would be discussed at a public meeting to be held in connection with the organisation of the Quetta Earthquake Relief Fund in order that I might make a recommendation to the Government as to a suitable scheme for the use of the money. I had hoped that the public would agree that the money should be spent on enlarging the present Municipal library by the construction of a good-sized reading room. This appears to be a practicable scheme within the compass of the present accumulated funds. It has also considerable support in Bangalore. However the meeting followed the lead of the Municipal Chairman who spoke in favour of a Town Hall although there is no prospect whatever of a Town Hall being constructed for 14,000. The Chairman also stated that the matter would be put before the Municipal Council and a scheme would be drawn up for the construction of a combined Town Hall and Municipal Office. The Municipal Council might well have drawn up such a scheme in the past twelve months, as the precise total of the funds has been known to all. I do not myself see any prospect of additional subscriptions being obtained in Bangalore for bringing the Town Hall Funds up to a figure which would enable a Town Hall to be built; nor is a Town Hall likely to be a profitable concern so that the additional money could be borrowed with a reasonable prospect of repayment. The Council has not got funds to build a new office, but it seems to have a confused idea that because it has half the cost of the Town Hall and one-third the cost of an office, the two sums could be merged and a combined Municipal Office and Town Hall built. I have reminded the Council that on the presumption that the cost of the site will be free there is little prospect of any saving of money in constructing an office and town hall as one scheme, as neither can be superimposed satisfactorily upon the other under a single roof. I also brought to their notice the difficulties of the public in Cannanore where a Town Hall was started but abandoned without the [illegible] funds being available.

As [illegible] had to be invested in Government paper, it follows that there is a small balance remaining after the purchase of bonds. This is dealt with in Rs.57-12-1 and is deposited at the Co-operative Bank, Bangalore. If the Government are pleased to take action under section 4 of the Charitable Endowments Act, I request to be informed what should be done with this cash surplus.

2. I enclose as an appendix some account of the five funds so far as the existing records allow reconstruction.

3. There is no difficulty whatever (it would seem) in combining funds 2, 3, 4 and 5 for one object provided the building takes the form of some kind of public meeting place. With regard to fund I, the Junior Club fund, the President of the Cosmopolitan Club applied to me for the money, on the ground that the Cosmopolitan Club is the direct descendant of the Junior Club. This contention is however by no means established, and as Mr. Smith has been for many years President of the Cosmopolitan Club one would have expected him to hand the money over to the Club in his lifetime had he thought the Club had a legal claim to it.

Your obedient servant,

Collector.

In the Court of the District Judge of South Kanara.

Wednesday the 20th day of June 1934.

Present: S. G. Srinivasa Acharya, Esquire, B.A. B.L.

District Judge.

Original Petition No. 50 of 1934.

N. Rama Rao ... ... Petitioner.

This is an application under Section 74 of the Indian Trusts Act II of 1882 praying that the Collector of South Kanara District may be appointed the Trustee for all the Town Hall Funds standing in the name of late Dewan Bahadur N. Subba Rao and petitioner be empowered to hand over the Fixed Deposit Receipts to the Collector of South Kanara.

This application coming on for hearing this day, in the presence of Mr. K. Ram Mohan Rao, Pleader for the Petitioner and upon perusing the application and the connected records of the case , the Court passed the following:-

O r d e r:-

The Collector of South Kanara is by consent appointed Trustee of the Funds scheduled herein. Petitioner is to deliver the Bank receipts to him.

SCHEDULE.

1.	Jayalaxmi Bank Ltd. Mangalore ...	Rs.	1442	2	7	Fixed Deposit No.127/1932
2.	Do ...	"	2576	12	6	--Do-- 66/1932
3.	Do ...	"	4773	4	0	--Do-- 72/1932
4.	Do ...	"	1516	8	4	--Do--604/32-33
5.	The South Kanara Central Co-operative Bank Ltd.Mangalore. ...	"	3421	1	0	--Do--2358
	Total ...	"13735	12	5		

Pronounced in open Court this 20th day of June 1934.

Sd/ S. G. Srinivasa Acharya,

District Judge.

To

The Collector of South Kanara.

(True copy)

Collector of South Kanara

HISTORY OF THE MANGALORE PUBLIC FUNDS

The late Dewan Bahadur N. Subba Rao had in his possession moneys belonging to the following funds invested in banks at the time of his death. The funds constituted trust money and Mr. Subba Rao was in charge of them owning obligation in the nature of trustee. After his death his sons Messrs N. Rama Rao and N. Shiva Rao applied to the District Judge of South Kanara in C.P. No. 50/1934 for an order under section 74 of the Indian Trusts Act, for the appointment of the Collector of South Kanara as a trustee for all these funds and the Collector was accordingly constituted and appointed Trustee of the funds.

The funds are:-

1. The Union Club Funds.
2. The Victoria Memorial Hall Funds.
3. Coronation Durbar Fund.
4. Victory Memorial Fund.
5. Edward Memorial Fund.

These five funds amount to Rs.13,752-12-5 and together with interest to Rs.15,416. (in August 1934)

The following is a brief history of the funds:

1. The Union Club Funds: There was a club in Mangalore called the Union Club which evidently had one or more trustees. The contributors of the club cannot now be traced. The club had become defunct in 1890 or thereabouts but the club owned certain assets in the shape of books, furniture and probably the superstructure of a building. In 1896 some gentlemen of Mangalore including Mr. N. Subba Rao constituted themselves into a club and called it "The Mangalore Union Club" and authorised Mr. N. Subba Rao to acquire the assets of the defunct Union Club. On 10th November 1897 he wrote to one T. Subba Rao, the Honorary Secretary of of the old Union Club as follows: "I am authorised to ask you to obtain from the Trustees of the Union the formal transfer of the premises as the meeting was of opinion that it was a suitable site for the contemplated building and of the furniture, books etc. belonging to the Union" and hence of a favourable [illegible]

reply.

Mr. T. Subba Rao was evidently not willing to hand over the assets to the newly formed club and on 18th November 1897 wrote to Mr. N. Subba Rao as follows: "In reply to yours of the 7th instant I wish to state that in consultation with the majority of the trustees and members of the union, I have resolved to put the Union again in working order and that I am issuing a notice with that view. If this leads to anything, as I hope will be the case, there is no need for any other club being started." He (T. Subba Rao) accordingly sent a circular letter to the Trustees and members of the Union club canvassing their views and the majority view was the old Union Club ought to be revived.

This circular letter is of considerable importance because it gives a list of the members of the club to whom as a corporate body the assets of the club belonged. A few of them are still alive namely Messrs. K. P. Rama Rao, D. Vaz, Dr. K. Vittal Rao, [illegible], C.D.J. Pinto Gollerkeri Krishna Rao, Gangolly Krishna Rao, U.C.Krishna Bhat, Dangal Subba Rao, Kalmadi Laxmi Narayan Rao, L. Venkat Rao and the legal representatives of several others could be traced.

This effort to revive the club did not materialise and in view of the attitude of the Secretary T. Subba Rao the new Union Club did not function and the assets of the old club appear to have been sold and realised Rs.1,CCC which came to the hands of the late Dewan Bahadur N. Subba Rao, who and whose father N. Shiva Rao were members of that club. Under what circumstances he was entrusted with that money is not clear nor can it be found but from the surviving members mentioned above.

Mr. N. Subba Rao appears to have deposited this amount in the Imperial Bank in the joint names of himself and the then Agent thereof Mr.J.M. Boyce, along with some other amounts. And on 30th April 1913 Mr. Subba Rao wrote to the then Agent Mr. Buckley that the deposits receipt with respect of this sum may be "made up" in his own name. From a note made by Mr. Subba Rao on a letter dated 1st May 1913, addressed to him by the Bank Agent it would appear that out of the deposit amount of Rs.2468-11-C, Rs.1,CCC belonged to the Union Club and Rs.1468-11-C to the Victoria Memorial Fund.

By 1924 several other funds had come into the hands of Mr. N. Subba

Rao and the District Advancement Association agitated that the funds in the hands of Mr. Subba Rao should be accounted for and utilised for the advancement of the District and Mr. Subba Rao appears to have written to the Association on 26th March 1927 stating that the funds Nos. 2, 3, 4, and 5 stated above were ear-marked for a Town Hall and that he was not willing to part with them for any other purpose which the S.K.D.A.Amight have in view.

It is significant that the Union Club Fund has been omitted in this list. There is another paper which bears no date but was evidently written some day prior to 8th August 1930 in Mr. Subba Rao's handwriting in which the amount of the funds in his hands and the date of the maturity of the fixed deposit is noted. There Mr. Subba Rao has drawn a line under the first deposit, namely the Fund of the Union Club, which was to mature on 8th August 1930 and the figure was Rs.2150-7-6. This gives an indication that Mr. Subba Rao desired to keep this fund separate from the other four.

In 1901 there was an agitation in Mangalore for putting up a Town Hall in memory of Queen Victoria. Mr. Subba Rao was the honorary Secretary of the Victoria Memorial Committee. He wanted that Government should assign a plot of land where the District Board Office now stands for the purpose of the Town Hall. Government wanted that at least Rs.7,500 should be raised before the request was considered and I find a piece of paper wherein calculating the funds available for the purpose Mr. Subba Rao adds up the Union Club amount in his hands. This was in about July 1911.

2. The Victoria Memorial Hall Funds: On 11th April 1901 the public of the District of South Kanara met and resolved that a District Memorial in the form of a Public Hall to be called "The Victoria Hall" be raised in the Town of Mangalore and the then Agent of the Imperial Bank was appointed the Treasurer and Mr. Subba Rao was appointed the Honorary Secretary thereof, and some funds were collected which did not anywhere come up to expectations and quite inadequate for the purpose. The funds amounted to Rs. 1449-13-4. Negotiations were carried on with the Government for acquiring a site for the Town Hall and the Government asked certain queries

vide Memorandum dated 27th April 1911, and Mr. Subba Rao was requested to furnish information and he appears to have written to the Collector on 2nd July 1911 that the funds in his hands amounted to Rs. 3321-10-1, which includes the amount of the Union Club Funds. This was in reply to the 2nd query in the Memorandum namely what funds are at his disposal for erecting the memorial.

This amount evidently is made up of the Victoria Memorial Fund, Rs.1468-12-4, Union Club Fund Rs.1,000, Edward Memorial Fund Rs.523-4-3. Subsequent collections of the Victoria Memorial Fund Rs.297-6-9, Governor's reception Fund Rs.17-11-2, Dr. Lee Ward Fund Rs.42-2-0.

It is clear from this that only the funds of the Victoria Memorial had been raised with the object of erecting a Town Hall, but Mr. Subba Rao had clubbed the other funds also for this purpose for which I find no sanction or any authority for Subba Rao to do.

3. Coronation Durbar Fund.

On 20th November 1911 for the purpose of celebrating the Delhi Coronation Durbar in Mangalore a meeting was held in the Government College Hall. The object of the meeting was to celebrate the Coronation by fireworks, treat to school children, prayers, feeding the poor, sports etc. etc. but the idea of putting up anything permanent was entirely absent.

Rao Bahadur M. Venkat Rao was the Joint Secretary and he has published a statement of receipts and charges which show that a cash balance of Rs.642-4-11 was left in the District Treasury unspent and Mr. M. Subba Rao drew it out and passed a receipt therefor and the correspondence relating thereto is available. It would appear that on objections raised by the Treasury Officers Mr. Subba Rao stated that he was the only Secretary then in Mangalore and that he had been authorised by the Committee to draw the amount for the purpose of utilising it "for a permanent memorial i.e. Town Hall". It is thus evident that even though the contributors to the fund had not in view the erection of a Town Hall Mr. Subba Rao evidently had that view in mind.

4. Victory Memorial Fund.

As I have stated above on 19th November 1919 a public meeting was held at Mangalore at the Collector's Office and it was resolved

that a Committee should be formed to collect subscriptions for a "District Memorial" which it is suggested might take the form of a Town Hall in Mangalore. Mr. Subba Rao was appointed the Treasurer. The account of the subscriptions collected is not available and although Rs.30,000 was aimed at Rs.3079-2-8 appears to have been realised. At this public meeting the idea of a Town Hall was present before the meeting but the meeting does not appear to have decided upon the form of the Memorial.

5. Edward Memorial Fund.

Particulars about this fund are lacking but the idea apparently was to put up something permanent to commemorate his memory, a building and a library could not possibly have been repugnant to the subscribers. The sum collected would appear to be Rs.523-4-3.

M a n g a l o r e,
Dated 12th July 1935.

Collector.

Ref. C. No. 3079-35-B-4.

EP 19.7.35

South Kanara Collector's Office,
Mangalore, dated 15th July 1935.

From

E. M. Gawne, Esq, I.C.S.
Collector of South Kanara.

L.S.G. dept.lo
5/7/7

29604

To

The Chief Secretary to the
Government of Madras,
Public Department, M a d r a s.

S i r,

Trust Funds-- Mangalore Town Hall Funds-- Action under the Charitable Endowments Act VI of 1890--requested--Number of my letter--furnished.

Ref: My letter of the 12th July.

I regret that by oversight the letter was not numbered. I request that it may be given "Ref. C. No. 3079/35-B-4."

Your obedient servant,

Gawne

Collector.

L. S. G. (Rev) Dy.

55/
7/8

Copied VM 7/8

C. No. 29063/35. From the Collector of South Kanara, C
H.- I.-II cable No. 3079/35-B4 dated 12-7-35.

Dy 6/9/35
R 6/9/35
" 14/9/35
R 26/11/35
" 10/1/36
" 28/2/36.
" 12/5/36

To Rec'd from 7/5

Subject: Endowment - charitable - Mangalore Town Hall funds - Action under the Charitable Endowments Act, 1890.

Memo. No. 29063-1A, from dated 6/8/35
Referred to the Board of Revenue for remarks.

2. In case the Charitable Endowment Act, 1890, is proposed to the applied, the Board is requested to obtain and submit to the Govt, the necessary application with draft scheme of administration with reference to section 4, 5 & 6 of the Act.

Rd 3/8

3.8.35

Rec'd 5/8

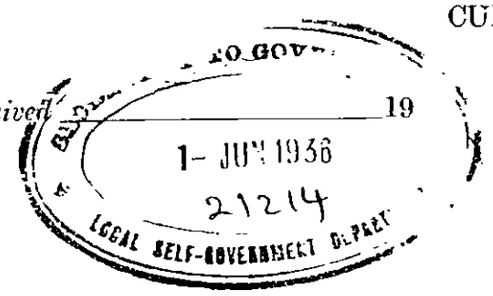
Van Post Dpd.

To the Bd of Rev (LR&S)
(with the f. in orgl. to be returned with reply)

C.F. 31—13,206—14-12-35.

Local Self Government **DEPARTMENT.**

CURRENT No.



Received _____ 19 . *Registered* 29.5.36 19

Subject.

Endowments - Charitable - (South Kanara) -Mangalore Town Hall funds - vesting in the Treasurer of charitable endowments - Application and scheme of management.

Reference No. A. 3352-35-3

Station Madras , *Dated the* 28th May 19 36

L.S.G. Dept. may be filed. The A.D. of Rev. may be reminded, if necessary, on 30/7/36.

From

F.R.Brislee Esq., I.C.S.,

Secretary,

Board of Revenue.

29.5.36

C.A.Henderson Esq., V.D., I.C.S.,
Commissioner of Land Revenue.

30/5/36

Read the following:-

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur B.A., Collector of South Kanara No. Ref. 4230-35-B4 dated the 22nd May 1936.

Ref. 15-16 inspn

Reference

The Board is awaiting the Collector's final report in the matter.

** **

N Srinivasa Rao 30/5

for Secretary.

To the Collector of South Kanara.
To the Secretary to the Government, Local Self Government department (para one only)

M.R.V./29-5-36.

KN 30/5

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadu B.A., Collector of South Kanara No. Ref. 4230-35-B4 dated the 22nd May 1936.-

Trust funds. -Mangalore Town Hall - Action under the Charitable Endowments Act, 1890.

Board's Reference No.A.3352/35-2, dated 7-9-1935 and Board's III Reminder dated 18-5-1936.

The Town Hall funds have been invested as shown below:-

(1) 5½% loan G.P.Notes (1938-40) referred to In Mr. Gawne's letter, dated 12-7-35 to Government.	Rs.14,000- 0- 0	
(2) 4% bonds 1943 E.000075 - Rs. 200 F.000630 - Rs. 500	Rs. 700- 0- 0	
(3) Post Office Savings Bank Mangalore account 45666	Rs. 442- 5-	
Total amount standing to the credit of the Funds on 11-5-1936.	Rs.15,142- 5-	

2. The scheme for the administration of these funds, as contemplated by Mr. Gawne. is summarised below:-

Scheme for the administration of the Town Hall Funds, Mangalore.

Object of the funds.- The funds shall be utilised for the erection of a public hall in Mangalore for the use of the people of the district, provided that if after the lapse of three years from the date on which these funds shall pass under the control of the Board of Trustees, as constituted by this Scheme, it is found that the funds are still insufficient for such purpose and that there or are other objections to it, the Board of Trustees may, with the prior approval of Government, utilise it on some other single purpose which is for the Cultural or Civic benefit of the people of South Kanara.

Management.-

Management.- The funds shall be administered by a Board of Trustees which shall be comprised of seven members who shall elect their own President frong themselves.

These seven members shall be:-

(a) The Chairman of the Municipal Council. Mangalore for the time being.	1
(b) Members elected by the Municipal Council, Mangalore	2
(c) Members elected by the District Board South Kanara	2
(d) The District Judge,South Kanara(ex-officio)	1
(e) one member elected by the Bar Association Mangalore	1
	7

This Board of Trustees shall hold office only until the funds have been fully spent and it shall cease to exist after this purpose is fulfilled. Any building erected out of the funds shall, on completion of its task be handed over by the Board ø to the Municipal Council, Mangalore, which shall thereafter maintain and manage such building.

3. It was found that in this Scheme, the inclusion of the District Judge in the Board of Trustees was open to various well-founded objections and it was therefore proposed to have in the place of the District Judge one more member of the Bar Association, Mangalore and to have the Board constituted as follows.-

(a) The Chairmanof the MunicipalCouncil,Mangalore	1
(b) Members elected by Do.	2
(c) The President of the District Board,South Kanara	1
(d) Member elected by the District Board	1
(e) Members elected by the Bar Association,Mangalore	2
	7

The revised proposals have been referred on 23-4-1936 by me to the Bar Association, the District Board and the Municipal Council. I am awaiting their replies.

L. & G. Dept.

Cpr. 21214 from the Board of Revenue,
Pr. A. 3352-35-3 dy 28.5.36.

Endowment - charitable - Mangalore Town Hall Funds - Action under the Charitable Endowments Act, 1890.

Memo Pr. 21214-1-A2 L.&G. 31.7.36.

The attention of the Board of Revenue is invited to its letter read above & it is requested to state whether the Collector's final report referred to therein has been received & if so to state action its final reply to Memo. Pr. 29063-1 A2 dtd dy 6.8.35 may be expected by the Govt.

The Board of Rev (q.tom)

Local Self Government DEPARTMENT.

C.F. 31—13,206—14-12-35.

CURRENT No.

Received 12 AUG 1936 19 . *Registered* 19

Subject. 28949 · MJ 1938

Endorsements - Charitable - (South Kanara) - Mangalore Taluk and Town - Town Hall funds - vesting in the treasurer of charitable endowments.

Ref.A. No. 3352-35-4

Station Madras. , *Dated the* 5-8-36. 19

From T.N.S. Raghavan Esquire., I.C.S.,

Addl. Joint Secretary,

Board of Revenue.

C.A. Henderson Esquire, V.D., I.C.S.,
Commissioner of Land Revenue.

Read the following :-

Government Local Self Government Department Memorandum No.21214-1/A-2/L.S.G. dated 31st July 1936.

Reference.

The Board submits that the matter is pending with the Collector and that its reply will be sent soon after the receipt of the Collector's final report.

for Addl. Joint Secretary.

To the Secretary to the Government, Local Self Government Department,
Copy to the Collector of South Kanara.

B.M.N. 6/8

C.F. 30.

19/An

DEPARTMENT.

Copy.

Received ..... 19 Registered 19

SECRETARY TO GOVERNMENT
23 AUG 1936
LOCAL SELF-GOVERNMENT DEPARTMENT

Original at Mf 47-58 infra.

Subject.

MJ 24/8 30/46

ENDOWMENTS - Charitable - Accumulation of/funds five held in trust by late Mr. N. Subba Rao - Scheme for administration of the Trust - Submitted to Government.

ENCLOSURES.
No. Three Five
Spare copies

Ref. No. 2862/D2/36.

Station MANGALORE, *Dated the* 18th August 19 36.

From (Name) M.R.Ry. C.R.Karunakara Menon, Avl, B.A., B.L.
(Designation) Commissioner, Mangalore Municipality

To The Secretary to the Government of Madras,
Local Self Government Department.
Fort St. George, Madras.

Through:
The Chairman, Municipal Council, Mangalore.
The Collector of South Kanara, Mangalore, and
The Board of Revenue, Madras.

Sir,

A sum of about Rs. 16,000/- being the accumulation o five funds were held in trust by the late Dewan Bahadur N.Subba Rao. This money has been since invested by the Collector of South Kanara on Government paper. In his letter dated 14th June 1936 the Collector of South Kanara wrote to say that he proposes to hand over the whole amount as invested, to the Government of Madras to hold it in trus under the Charitable Endowments Act VI of 1890. He also requested the Municipal Council to make a scheme so that t money

money which has been unspent for so many years may be put to some use. The Council has accordingly drawn up the enclosed scheme for the administration of the 1/2P. trust. Necessary sanction is requested.

Copy of the resolution of the Municipal Council approving the draft scheme and the copy of the resolution requesting to submit the scheme are enclosed.

Your obedient servant,

Y. Siva Ramayya

Commissioner, M.M.
Delegate.

F o r w a r d e d.

Chairman, M.C.

Copy to: The Secretary to Government, Local Self Govt. Dept, Fort.St. George, Madras. (Direct).

Compd: 28/1918.

RECEIVED
21 AUG. 1936

1.8.9.

The original of this letter sent through the C.M.C. Collector & the Board may be awaited (till 28.9.1936)

1. That the funds handed over by the Collector of South Kanara to the Government of Madras, (under the provisions of the Charitable Endowments Act VI of 1920) appertaining to .....
..... be handed over to the Mangalore Municipal Council, with all interest accrued due up to date of handing over.

2. That the said Council shall add to it at least an equivalent amount.

3. That the whole of the aggregate amount formed after such addition shall be utilized for the construction of a Town Hall Building together with the necessary out-houses such as garages, compound wall, etc. (hereinafter called the Town Hall) on such site as may be alienated by Government in favour of the Council.

4. That the said Town Hall shall vest in the said Council.

5. That the Council, or such authorities who may be duly authorized by the Council in this behalf, shall use or permit the hall to be used for such purposes as may be approved by the Council or by such authority.

6. That the Council shall have power to frame rules regulating the use of the said hall, and the terms and conditions on which such user shall be permitted.

7. That the Council shall have power to lease out the Town Hall, and to levy rent for such leasing out, or fees for its user referred to above.

8. All income derived by the Council by way of rent or otherwise owing to its renting out or permitting user of the said hall, shall be used for the purposes of the said Town Hall only.

9. The Council shall maintain separate account in respect of the Town Hall.

10. The Council shall be responsible for the proper up-keep and maintenance of the said Town Hall.

11. The Town Hall shall be named "THE VICTORIA EDWARD HALL".

Municipal Office,)
Mangalore, 18.8.1936.)

T. Siva Lingayya
Commissioner, M.M.
Delegate.

19/8.

Extract from the proceedings of the Mangalore Municipal Council dated the 17th July 1936.

---

x x x

20. Read letter Ref.No.4230/35-B4, dated the 3rd July 1936 from the Collector of South Kanara, in regard to the scheme formulated by the Council regarding the Town Hall Funds and the file of connected papers.

The Scheme prepared by the Council may be sent to the Government.

x x x

/ TRUE EXTRACT /

Municipal Office,)
)
Mangalore, 18-8-1936.)

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

Extract from the proceedings of the Mangalore Municipal Council dated the 1st June 1936.

---

x x x

41. Read letter dated the 14th June 1935 from the Collector of South Kanara in respect of formation of a scheme relating to the Town Hall funds, Chairman's note, the draft Scheme and Mr. Karant's opinion thereon.

The draft scheme is approved.

x x x

/ TRUE EXTRACT /

Municipal Office,
Mangalore, 18-8-1936

Y. Siva Samaya
Commissioner, M.M.
Delegate.

JB/19/8

CHAIRMAN'S NOTE.

Reference:- Town Hall and Municipal Office Building Funds and Collector's letter dated 14th June 1935.

****

I. The question of building a Town Hall was first taken up for consideration in 1930 and in the address presented by the Council to His Excellency the Governor of Madras during his visit to Mangalore in October 1930, a request was made for the assignment of a portion of the maidan and to permit the sale of the present Municipal Office building and utilize the sale proceeds and the contributions available, for constructing a building in the maidan which would serve the purposes of both a Town Hall and the Municipal office.

II. In reply, His Excellency was pleased to state that if definite proposals were made to Government, he would see that the requests were duly considered.

III. The proposals that were subsequently approved by the Council and submitted to Government, were the following:

1) That a portion of the maidan on the north-western side measuring five acres, may be alienated in favour of the Council.

2) That two acres of land may be utilized for a building which would serve the purposes of a Town Hall, Municipal office and a theatre.

3) That the remaining 3 acres, may be utilized for a Public Park, Tennis Courts, etc.

4) That the present Municipal office building be sold and the sale proceeds together with the contributions ~~available~~ available be utilized for the construction of the new buildings.

5) That the new buildings may vest in Government on the same terms as the existing Municipal office building

IV. The Board of Revenue subsequently wished to know the extent of land that would be needed for an office and Town Hall omitting provision for Tennis Courts or Public Gardens and was informed through the Collector that the Council considered that two acres of land was the absolute minimum that would be required for the purpose. A request was also made that two acres be alienated preferably the north-eastern corner of the maidan and if that was not possible, the north-wastern corner.

V. The Government however not finding any justification for abandoning the present Municipal office negatived the proposals.

VI. The Council then modified ~~the~~ its original scheme by dropping the question of combining the Town Hall with the Municipal office and decided to request Government for assigning the north-eastern portion of the maidan to the extent of about an acre and a half for the purpose of building, only a Town Hall. The Government in reply stated that they were not prepared to comply with the request but that they would however consider the same, "if at any time the Council is in a position to provide funds for the construction of a Town Hall". In connection with this order the Council had asked the details of the amount available pertaining to the Municipal office building, Town Hall, etc.

VII. About 40 years back, the Council I understand had invested a sum of Rs.4,500/- in Government Paper and this amount was ear-marked for a Municipal Office. The interest accrued on the investment was annually on to the corpus of the fund and the same now amounts Rs.11,025/-. In addition to this there is a fund as The Edward Memorial Building Fund which with ini

amounts to about Rs. 680/-. These two funds with the interest for the current year will total about Rs. 12,000/-.

VIII. On the 13th June 1935, the District Collector convened a public meeting of the citizens of Mangalore and invited opinion in the matter of the disposal of the sum of Rs. 16,000/- which is the accumulation of the five funds which were held in trust by the late Dewan Bahadur M.Subba Rao. I suggested at the meeting that this amount could be usefully utilized for building a Town Hall in Mangalore and if this proposal was accepted and the Collector wrote to me officially, I said, I would place this matter before the Council for their consideration and decision. The Collector in this connection writes under date 14th June 1935, a copy of which is enclosed.

IX. A growing town and a Municipality like ours needs a Town Hall badly. There is no likelihood of the Government permitting us to sell the present Municipal office building and to utilize the proceeds for the new building which would serve the purpose of a Town Hall and the Municipal office I would therefore suggest that advantage be taken of the suggestions contained in the letter of the Collector dated 14th June 1935 and the Government be requested to permit us, to make use of the amount of Rs. 16,000/- referred to above, and also the Municipal office building and the Edward Memorial Building Fund/about amounting to Rs. 12,000/- for the construction of only a Town Hall which will admit of expansion and being built upon on all sides if and when necessary.

X. The building shall be such, which shall be in keeping with the dignity and importance of our town and shall also admit of conversion into a theatre easily. It is not possible at present to state exactly the cost of a building of the type that I have suggested. However, Rs. 35,000/- roughly, will, I think, be a fair estimate. The two funds referred to above, total about Rs. 28,000/- and the balance

of Rs. 7,000/- required, can be provided for in the budget from the General Funds of the Council, the construction, maintenance, and adornment of Public Halls and theatres being one of the authorized objects of expenditure under the Municipal Act. Further, the theatre will be a source of revenue to the Council.

XI. If the Council accepts these proposals, Government will be addressed accordingly. The design, plan and estimate of the building will be prepared in consultation with the Director of Town Planning, the Consulting Architect to Government and the Superintending Engineer, if the Government are prepared to sanction the proposals.

The Council is requested to consider and decide.

Municipal Office, Mangalore,
Dated the 2nd July 1 9 3 5.

Sd/- K.Vittal Shetty.
Chairman, .C

/TRUE COPY/

Municipal Office, Mangalore,
Dated the 21st August 1936 .

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

JB/2/8.

South Kanara Collector's Offi:

Mangalore, dated 14th June '35

From

E. M. Gawne, Esq, I.C.S.,

Collector of South Kanara.

To

The Chairman,

Municipal Council, Mangalore.

Sir,

Town Hall Funds - Formulation of a scheme.

*****

You are aware of the proceedings of the meeting yesterday in the Government College at which I asked for suggestions with regard to the disposal of the sum of approximately Rs. 16,000/- which is the accumulation of the five funds which were held in trust by the late Mr. N.Subba Rao. As I informed the meeting, I have invested the greater part of the money in Government Paper and as soon as the last fixed deposit falls due on the 20th July I shall invest the balance in Government paper. I shall then take action under the Charitable Endowments Act VI 1890, and hand the whole of the funds, as invested, over to the Madras Government, with a request that they will hold the money in trust under the Act.

Under section 5 of the Act those who are interested in the money can move the Goverment to settle a scheme for the administration of the trust.

I request therefore that the Municipal Council will discuss this matter and will take steps to make a scheme so that this money which has been unspent for so many years may be put to some use. The matter is one

primarily for the people of Mangalore to decide since there is nothing to show that any appreaciable amount of the money was collected outside Mangalore Town. The Municipal Council, therefore, as representing the people of Mangalore, is the proper body to prepare a scheme and forward it to the Local Government. The Collector is not really concerned in the matter at all, and as soon as the money has been entirely invested and placed in the hands of the Local Government I shall cease to take any active steps with regard to these funds.

Your obedient servant,

3d/- E.M.Gawne.

Collector.

/ TRUE COPY /

Municipal Office,
Mangalore, 21-8-'36.

Y. Siva Ramayya
Commissioner M.M.Delagate.

JK/21/8.

d. t-g. Depn

18 CF C.pr. 28949 from the Bd. of Rev. Ref. A.No. 3352-35-4 & 5 8/36

12/10/19

Endowment. Charitable.

Mangalore Town Hall Funds -
Action under the C. E. Act, 1890.

Memo pr. 28949 - 1 ms dtd 9/9/36
from Revenue.

The Board is requested to state whether the final report of the Collector referred to in the Board's Reference above has been received and if so to state when its reply to Memo. pr. 29063-I A2 dtd 6.8.35 may be expected to reach Govt

13 CF

To

The Board of Revenue (L.R.)
(Q & Ors)

Dpr.

...No.30146 from the Commissioner, Mangalore Municipality, No.[illegible]
dated 18.[illegible].

19-20 ~~[illegible]~~
and

Endowments- Charitable ~~[illegible]~~ (Funds)
~~[illegible]~~ late Dr.B.N. Subarao ~~[illegible]~~
for administration ~~of trusts~~- Committee.

Memo.No. 30146-I-A2 [illegible]
2/10/36.

The Board of Revenue is requested to state whether the original of the letter read above submitted to Government through the Collector and Board has been received and if so to state when it might be expected by Government.

To

The Board of Revenue,

LOCAL SELF GOVERNMENT DEPARTMENT.

CURRENT No.

Received 19 SEP 1936 . *Registered* 19 .

Subject.

Endowments - Charitable - (South Kanara) - Mangalore Taluk and Town - Town Hall Funds -

---

Reference-A No. 3352/35.5,

Station Madras, *Dated the* 15th September 1936.

From T.N.S.Raghavan, Esquire, I.C.S.,

Joint
Additional/Secretary,

Board of Revenue.

C.A.Henderson, Esquire, V.D., I.C.S., Commissioner of Land Revenue.

:-:

Read the following paper:-

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur, B.A., Collector of South Kanara, Ref.No.4317/36-B.4, dated the 28th August 1936.

:::

REFERENCE.

The Collector is requested to offer his remarks on the scheme suggested by the Municipal Council, Mangalore, to state whether he has any objections to it and if so, to report what his objections are.

for Additional Joint Secretary.

To the Collector of South Kanara, with enclosures (to be returned with reply).

Copy to the Secretary to the Government, Local Self Government Department, with reference to their Memorandum No.28949-1.A-2 (L.S.G) dated the 9th September 1936.

c.n.n./16-9-1936.

- - - -

C.F. 31—13,206—14-12-35.

Local Self Govt. **DEPARTMENT.**

CURRENT No.

Received 17 OCT 19 *Registered* 19

Subject. Endowments, Charitable (South Kanara) Mangalore Town Hall Funds - Vesting in the Treasurer of Charitable endowments - Application and Draft scheme - Collector's proposal recommended

No. Refce.A.3352-35-6

Station Madras, *Dated the* 10th October 36

From

T.N.S.Raghavan Esq., I.C.S.,
Addl. Joint Secretary,

Board of Revenue.

C.A. Henderson Esq., M.D., I.C.S.,
Commissioner of Land Revenue.

Read the following paper:-

Memorandum from Government, Local Self Government Department No.29063-1-A.2-L & M., dated the 6th August 1935.

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur B.A. Collector of South Kanara, Ref.4230-35-B.4 dated 10th August 1936.

-do- -do- Ref.4317-36-B4 dated 28th August 1936.

Board's Refce. A.3352-35-5 dated 15-9-36.

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur B.A., Collector of South Kanara, Ref.4929-36-B4. dated 26th September 1936.

Memorandum from Government, Local Self Government Department No.30146-1 A.2 L.S.G. dated 2nd October 1936.

Reference:

Reference:

Submitted to the Government.

2. The Board recommends that the scheme as drafted by the Collector may be approved.

For Addl.Joint Secretary.

To the Secretary to the Government, Local Self Government Department, with the Collectors' letters in original.

VN/13.10.

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur B.A. Collector of South Kanara, Ref.4929-36-B4, dated 26th September 1936.

Endowments -Charitable -South Kanara -Town Hall Funds - Scheme by the Mangalore Municipal Council.

The Town Hall Funds are funds for which the Collector was by consent appointed trustee in the order dated 20-6-1934 of the South Kanara District Court in O.P. 50/34 on its file (please see copy submitted with my letter Ref.4230-35-B4 dated 10-8-1936 to Government). An application and a draft scheme of administration were called for by Government with reference to Sections 4, 5 and 6 of the Charitable Endowments Acts, 1890 in respect of these funds in their Memorandum No.29063-1-A2 L.& M. , dated 6-8-1935. I have accordingly submitted an application and a draft scheme - through the Board with my letter Ref.4230-35-B4, dated 10-8-1936. The Municipal Council has now submitted a scheme which is unnecessary, in the circumstances of the case.

2. In the draft scheme already submitted by me, I have proposed a Board of Trustees consisting of 7 members for the administration of the Funds. Three of these will be representatives of the Municipal Council. The Municipal Council, on the other hand, suggests that the entire Trust Funds may be handed over to itself for management. The Trust Funds are not funds subscribed by the people of Mangalore Town alone. They are funds subscribed by the

the whole of this district and my scheme, while it gives the Council a predominant voice in management, secures representation and voice for other interests of the district also, till the Town Hall has been completed and the funds have been utilised for such hall.

3. The papers[x] received with the Board's reference are enclosed.

[x] pp 39-46 infra

D. N. 1410

Board's Refce. No.A.3352-35-5 dated 15-9-36.

C.A. Henderson Esq., M.D., I.C.S.,
Commissioner of Land Revenue.

Subject:- Endowments -Charitable -(South Kanara) Mangalore taluk and town - Town Hall funds.

Read the following paper:-

Letter from Khan Bahadur Muhammad Humayun Saheb Bahadur, B.A., Collector of South Kanara, Ref.4317-36-B4 dated ~~28xx~~ 28th August 1936.

Memorandum from Government, Local Self-Government Department, No.28949-1A.2. L.S.G., dated 9th September 1936

Reference:

The Collector is requested to offer his remarks on the scheme suggested by the Municipal Council Mangalore, to state whether he has any objections to it and if so, to report what his objections are.

(Sd.) K.Rangaswami Mudaliyar,
Asst.Secretary.

To the Collector of South Kanara

with enclosures to be returned with reply

Copy to the Secretary to the Government, Local Self-Government Department, with reference to their memorandum No.28949-1A 2 L.S.G. dated 9-9-36.

~~Copy Urgent.~~ 39/33

Ref.4230-35-B.4. South Kanara Collector's Office,

Mangalore, dated 10th August 1936.

From Gopalrao.

Khan Bahadur Muhammad Humayun Saheb Bahadur, B.A.,

Collector of South Kanara.

To

The Secretary,

Board of Revenue,

M a d r a s.

Sir,

Trust Funds - Mangalore Town Hall Funds - Action under the Charitable Endowments Act, 1890.

Board's Reference No.A.3352-35-2 dated 7-9-1936.

I enclose an application and a draft scheme for the administration of the Town Hall Funds, Mangalore as directed in paragraph 1 of the Board's Reference No.A.3352-35-2 dated 7-9-35. The Town Hall Funds have been invested as shown below:-

1. Pronotes in 5½ % loan 1938-40.

Referred to in Mr.Gawne's letter of 12-7-35 to Government. (4 avlé)	No.M.000301 for Rs. 10000	
	G.002169 for Rs. 1000	
	G.002170 for Rs. 1000	
	G.002132 for Rs. 1000	
	B.001598 for Rs. 500	
	F.000530 for Rs. 500	14000-0-0

2. 4% bonds 1943

E.000075	Rs. 200	700-0-0
F.000630	Rs. 500	

3. Post office Savings Bank Mangalore Account Pass Book No.45666. 442-5-7

The total amount standing to the credit of the Funds on 11-5-36. 15142-5-7

2. Item 2 above represents part of the interest which accrued on item 1 after the date of Mr. Gawne's letter of 12-7-35. Item 3 represents the surplus amount referred to in paragraph 7 of his letter, together with the balance of the interest which (5 avlé)

was deposited in the Postal Savings Bank as ordered in paragraph 2 of the Board's reference (No.A.3352/35-2 dated 7-9-35).

3. The Bar Association, the District Board and the Municipal Council have been consulted by me in the matter as stated in my letter Ref.4230-35-B4 dated 22-5-36. They have all agreed to the formation of a Board of Trustees as proposed in the draft scheme.

§ Mk 15-16 ante - last para

madhavarao
For Collector. 11/8

Hon 11-8-36

C.F. 30.

Local Self-Government DEPARTMENT.

Received ..... 19 *Registered* 19

Subject.

Endowments - Charitable - South Kanara - Mangalore Town Hall - Government Memorandum 29063-1-A2 L & M dated 6-8-35.

ENCLOSURES.

No. .....

.....

Spare copies .....

Ref.B4 No. 4230-35.

Station Mangalore, *Dated the* 10th August 1936.

From (Name) Khan Bahadur Muhammad Humayun Saheb Bahadur, B.A.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Local Self-Government Department.

Madras.

Sir,

I submit with reference to sections 4, 5 and 6 of the Charitable Endowments Act (VI of 1890) an application for the settlement of a scheme for the administration of the Mangalore Town Hall Funds.

2. These funds came under the control of the Collector of South Kanara, by virtue of the order passed by the District Court of South Kanara on 20-6-1934 in O.P. No.50 of 1934 on its file. A copy of the order is enclosed.

3. The funds form a combination of the five funds which were held until his death by the late Dewan Bahadur N. Subba Rao.

1. The Union Club Funds.

2. The Victoria Memorial Fund.

3. The Edward Coronation Fund.

4. The Delhi Durbar Fund.

5. The Victory Fund.

After the appointment of the Collector of South Kanara as trustee, a public meeting was convened to discuss the best way of utilising these funds which were the result of the contributions of the public of South Kanara at various times. The persons present at the meeting desired that the Funds should be earmarked for the construction of a Town Hall for Mangalore.

3. It has been found however that the funds have not yet reached even Rs.16,000/- and will not be sufficient for the construction of a Town Hall at present. The Funds have all been invested in Government Securities, as shown below. A small amount of Rs.442.5.7 is in the Post Office Savings Bank:-

(1) 5½% Government Promissory notes (1938-1940):-	M.000301 for	Rs.10,000
	G.002169 for	Rs. 1,000
	G.002170 for	Rs. 1,000
	G.002132 for	Rs. 1,000
	B.001598 for	Rs. 500
	F.000530 for	Rs. 500
	Total:	Rs.14,000
(2) 4% Government bonds 1943:-	E.000075	Rs. 200
	F.000630	Rs. 500
	Total:	Rs. 700
(3) Post Office Savings Bank, Mangalore Pass Book No.45666		Rs. 442.5.7
Total of the Funds:		Rs.15,142.5.7

It is necessary that some arrangements should be made for the administration of these Funds.

4. I have consulted the Bar Association, Mangalore, the Municipal Council, Mangalore and the District Board, South Kanara. The Draft Scheme which is herewith submitted

for consideration has been agreed to by all of them.

5. I request that Government may be pleased to accept the Scheme and issue orders for the proper administration of the Funds, in accordance with the provisions of the Charitable Endowments Act 1890.

11.44.45
wife

Bmadhavanda
For Collector. 4/8:

11.8.N

DRAFT SCHEME.

1. This Scheme shall be called the Scheme for the Administration of the Mangalore Town Hall Funds.

2. The Funds for which the Collector of South Kanara was appointed Trustee by the District Court, South Kanara in its order, dated 20.6.1934 in O.P.50 of 1934 are the Funds which are referred to in this Scheme as the Mangalore Town Hall Funds and they are comprised of the funds which stand invested as shown below:-

Government 5½% Promissory notes		Rs.14,000
Government 4% Bonds 1943		Rs. 700
Post Office Savings Bank		Rs. 442.5.7
August 1936.	Total:	Rs.15,142.5.7

3. Objects.

The funds shall be utilised for the erection of a public hall in Mangalore Town for the use of the people of South Kanara District provided that if after the lapse of three years from the date on which these funds pass under the control of the Board of Trustees as constituted by this Scheme, it is found that the funds are still insufficient for the erection of a proper Town Hall for the use of the people of South Kanara and that there or are other objections to the execution of the contemplated object, the Board of Trustees may, with the prior approval of Government, utilise the Funds on some other single purpose which is for the Cultural or Civic benefit of the people of South Kanara.

4. Administration.

The funds shall be administered by a Board of Trustees which shall be comprised of 7 members who shall elect a President from among themselves. The 7 members shall be

(1) The Chairman of the Municipal Council, Mangalore.	1
(2) The President of the District Board, South Kanara.	1
(3) Members elected by do.	1

(4) Members elected by the Municipal Council, Mangalore. 2

(5) Members elected by the Bar Association, Mangalore. 2

Total 7

5. None of the members shall be entitled to any pay or remuneration for their ~~duties.~~ services. The Board of Trustees shall hold office only until the Funds have been fully spent; it shall cease to exist after this purpose is fulfilled - either by the erection of the Town Hall or otherwise. The Town Hall, if erected out of the Fund, shall on the eve of the dissolution of the Board be handed over by the Board to the Municipal Council, Mangalore with all accounts, papers, funds, etc. --- appertaining to the Funds and the Municipal Council shall --- thereafter maintain and manage such building and all affairs relating to the Funds.

South Kanara Collector's Office,
Mangalore, 10th August 1936.

madhavarao 11/8
For Collector.

11-8-36

In the Court of the District Judge of South Kanara.

Wednesday, the 20th day of June 1934.

Present:- S. G. Srinivasa Acharya, Esquire, B.A., B.L., District Judge.

Original Petition No.50 of 1934.

N. Rama Rao . . . . . Petitioner.

This is an application under Section 74 of the Indian Trusts Act II of 1882 praying that the Collector of South Kanara District may be appointed the Trustee for all the Town Hall Funds standing in the name of late Dewan Bahadur N. Subba Rao and petitioner be empowered to hand over the Fixed Deposit Receipts to the Collector of South Kanara.

This application coming on for hearing this day, in the presence of Mr. K. Ram Mohan Rao, Pleader for the ------ Petitioner and upon perusing the application and the connect-ed records of the case, the Court passed the following:-

O r d e r.

The Collector of South Kanara is by consent appointed Trustee of the funds scheduled herein. Petitioner is to deliver the Bank receipts to him.

Schedule.

1.	Jayalaxmi Bank Ltd., Mangalore	.. Rs. 1448. 2. 7	Fixed deposit No.127/1932.
2.	do.	.. Rs. 2576.12. 6	do. 66/1932.
3.	do.	.. Rs. 4773. 4. 0	do. 72/1932.
4.	do.	.. Rs. 1516. 8. 4	do.604/32-33
5.	The South Kanara Central Co-operative Bank Ltd., Mangalore.	.. Rs. 3421. 1. 0	do. 2358.
	Total	.. Rs.13735.12. 5	

Pronounced in open court this 20th day of June 1934.

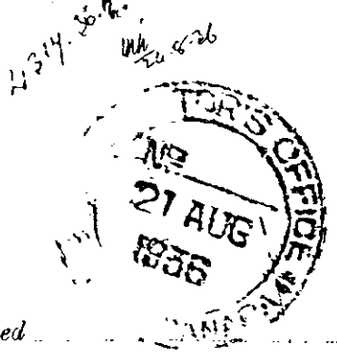
Sd/- S.G. Srinivasa Acharya,
District Judge.

To the Collector of South Kanara.

(True copy)

Sd/- Madhava Rao
For Collector. 11/8

11-8-34



C.F. 30.

DEPARTMENT.

Received ..... 19 . *Registered* ..... 19 . .

Subject.

ENDOWMENTS - Charitable - Accumulation of five funds held in trust by late Mr. N. Subba Rao - Scheme for administration of the Trust - Submitted to Government.

ENCLOSURES.
No. Three Five

Spare copies

Ref.C No. 2862/D2/36.

Station MANGALORE , *Dated the* 18th August 19 36.

From (Name) M.R.Ry. C.R.Karunakara Menon,Avl,B.A.,B.L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Local Self Government
Through: Department.
Fort St. George, Madras.

Sir, The Chairman,
Municipal Council, Mangalore.
The Collector of South Kanara, Mangalore, and
The Board of Revenue, Madras.

A sum of about Rs. 16,000/- being the accumulation of five funds were held in trust by the late Dewan Bahadur N.Subba Rao. This money has been since invested by the Collector of South Kanara on Government paper. In his letter dated 14th June 1936 the Collector of South Kanara wrote to say that he proposes to hand over the whole amount as invested, to the Government of Madras to hold it in trust under the Charitable Endowments Act VI of 1890. He also requested the Municipal Council to make a scheme so that th

money.

money which has been unspent for so many years may be put to some use. The Council has accordingly drawn up the enclosed scheme for the administration of the trust. Necessary sanction is requested. & Mr. 49-50 n/

Copy of the resolution of the Municipal Council approving the draft scheme and the copy of the resolution requesting to submit the scheme are enclosed. Mr. 51-52 n/a

---

Your obedient servant,

Y. Siva Ramayya

Commissioner. M.M.
Delegate.

Forwarded.

Chairman, M.C.

Copy to: The Secretary to Government, Local Self Govt. Dept, Fort.St. George, Madras. (Direct).

Compd: 18/9/18

DESPATCHED
21. AUG. 1936

SCHEME.

1. That the funds handed over by the Collector of South Kanara to the Government of Madras, (under the provisions of the Charitable Endowments Act VI of 1920) appertaining to ..... be handed over to the Mangalore Municipal Council, with all interest accrued due up to date of handing over.

2. That the said Council shall add to it at least an equivalent amount.

3. That the whole of the aggregate amount formed after such addition shall be utilized for the construction of a Town Hall Building together with the necessary out-houses such as garages, compound wall, etc. (hereinafter called the Town Hall) on such site as may be alienated by Government in favour of the Council.

4. That the said Town Hall shall vest in the said Council.

5. That the Council, or such authorities who may be duly authorized by the Council in this behalf, shall use or permit the hall to be used for such purposes as may be approved by the Council or by such authority.

6. That the Council shall have power to frame rules regulating the use of the said hall, and the terms and conditions on which such user shall be permitted.

7. That the Council shall have power to lease out the Town Hall, and to levy rent for such leasing out, or fees for its user referred to above.

8. All income derived by the Council by way of rent or otherwise owing to its renting out or permitting user of the said hall, shall be used for the purposes of the said Town Hall only.

9. The Council shall maintain separate account in respect of the Town Hall.

10. The Council shall be responsible for the proper up-keep and maintenance of the said Town Hall.

11. The Town Hall shall be named "THE VICTORIA EDWARD HALL".

Municipal Office,
Mangalore, 18.8.1936.

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

Extract from the proceedings of the Mangalore Municipal Council dated the 17th July 1936.

x x x

20. Read letter Ref.No.4230/35-B4, dated the 3rd July 1936 from the Collector of South Kanara, in regard to the scheme formulated by the Council regarding the Town Hall Funds and the file of connected papers.

The Scheme prepared by the Council may be sent to the Government.

x x x

/ TRUE EXTRACT /

Municipal Office,)
)
Mangalore, 18-8-1936.)

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

Extract from the proceedings of the Mangalore Municipal Council dated the 1st June 1936.

---

x x x

41. Read letter dated the 14th June 1935 from the Collector of South Kanara in respect of formation of a scheme relating to the Town Hall funds, Chairman's note, the draft Scheme and Mr. Karant's opinion thereon.

The draft scheme is approved.

x x x

TRUE EXTRACT /

Municipal Office,
Mangalore, 18-8-1936

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

JB/19/8

CHAIRMAN'S NOTE.

Reference:- Town Hall and Municipal Office Building Funds and Collector's letter dated 14th June 1935.

****

I. The question of building a Town Hall was first taken up for consideration in 1930 and in the address presented by the Council to His Excellency the Governor of Madras during his visit to Mangalore in October 1930, a request was made for the assignment of a portion of the maidan and to permit the sale of the present Municipal Office building and utilize the sale proceeds and the contributions available, for constructing a building in the maidan which would serve the purposes of both a Town Hall and the Municipal office.

II. In reply, His Excellency was pleased to state that if definite proposals were made to Government, he would see that the requests were duly considered.

III. The proposals that were subsequently approved by the Council and submitted to Government, were the following:

1) That a portion of the maidan on the north-western side measuring five acres, may be alienated in favour of the Council.

2) That two acres of land may be utilized for a building which would serve the purposes of a Town Hall, Municipal office and a theatre.

3) That the remaining 3 acres, may be utilized for a Public Park, Tennis Courts, etc.

4) That the present Municipal office building be sold and the sale proceeds together with the contributions ~~available~~ available be utilized for the construction of the new buildings.

5) That the new buildings may vest in Government on the same terms as the existing Municipal office building

IV. The Board of Revenue subsequently wished to know the extent of land that would be needed for an office and Town Hall omitting provision for Tennis Courts or Public Gardens and was informed through the Collector that the Council considered that two acres of land was the absolute minimum that would be required for the purpose. A request was also made that two acres be alienated preferably the north-eastern corner of the maidan and if that was not possible, the north-wastern corner.

V. The Government however not finding any justification for abandoning the present Municipal office negatived the proposals.

VI. The Council then modified ~~the~~ its original scheme by dropping the question of combining the Town Hall with the Municipal office and decided to request Government for assigning the north-eastern portion of the maidan to the extent of about an acre and a half for the purpose of building, only a Town Hall. The Government in reply stated that they were not prepared to comply with the request but that they would however consider the same, "if at any time the Council is in a position to provide funds for the construction of a Town Hall". In connection with this order the Council had asked the details of the amount available pertaining to the Municipal office building, Town Hall, etc.

VII. About 40 years back, the Council I understand, had invested a sum of Rs.4,500/- in Government Paper and this amount was ear-marked for a Municipal Office Building. The interest accrued on the investment was annually added on to the corpus of the fund and the same now amounts to Rs.11,025/-. In addition to this there is a Fund known as The Edward Memorial Building Fund which with interest

amounts to about Rs. 680/-. These two funds with the interest for the current year will total about Rs. 12,000/-.

VIII. On the 13th June 1935, the District Collector convened a public meeting of the citizens of Mangalore and invited opinion in the matter of the disposal of the sum of Rs. 16,000/- which is the accumulation of the five funds which were held in trust by the late Dewan Bahadur N.Subba Rao. I suggested at the meeting that this amount could be usefully utilized for building a Town Hall in Mangalore and if this proposal was accepted and the Collector wrote to me officially, I said, I would place this matter before the Council for their consideration and decision. The Collector in this connection writes under date 14th June 1935, a copy of which is enclosed.

IX. A growing town and a Municipality like ours needs a Town Hall badly There is no likelihood of the Government permitting us to sell the present Municipal office building and to utilize the proceeds for the new building which would serve the purpose of a Town Hall and the Municipal office. I would therefore suggest that advantage be taken of the suggestions contained in the letter of the Collector dated 14th June 1935 and the Government be requested to permit us, to make use of the amount of Rs. 16,000/- referred to above, and also the Municipal office building and the Edward Memorial Building Fund amounting to about Rs. 12,000/- for the construction of only a Town Hall which will admit of expansion and being built upon on all sides if and when necessary.

X. The building shall be such, which shall be in keeping with the dignity and importance of our town and shall also admit of conversion into a theatre easily. It is not possible at present to state exactly the cost of a building of the type that I have suggested. However, Rs. 35,000/- roughly, will, I think, be a fair estimate. The two funds referred to above. total about Rs. 28,000/- and the balance

of Rs. 7,000/- required, can be provided for in the budget from the General Funds of the Council, the construction, maintenance, and adornment of Public Halls and theatres being one of the authorized objects of expenditure under the Municipal Act. Further, the theatre will be a source of revenue to the Council.

XI. If the Council accepts these proposals, Government will be addressed accordingly. The design, plan and estimate of the building will be prepared in consultation with the Director of Town Planning, the Consulting Architect to Government and the Superintending Engineer, if the Government are prepared to sanction the proposals.

The Council is requested to consider and decide.

Municipal Office, Mangalore,
Dated the 2nd July 1 9 3 5.

Sd/- K.Vittal Shetty.
Chairman, M.C.

/TRUE COPY/

Municipal Office, Mangalore,
Dated the 21st August 1936 .

Y. Siva Ramayya
Commissioner, M.M.
Delegate.

South Kanara Collector's Office,

Mangalore, dated 14th June '35.

From

E. M. Gawne, Esq, I.C.S.,

Collector of South Kanara.

To

The Chairman,

Municipal Council, Mangalore.

Sir,

Town Hall Funds - Formulation of a scheme.

*****

You are aware of the proceedings of the meeting yesterday in the Government College at which I asked for suggestions with regard to the disposal of the sum of approximately Rs. 16,000/- which is the accumulation of the five funds which were held in trust by the late Mr. N.Subba Rao. As I informed the meeting, I have invested the greater part of the money in Government Paper and as soon as the last fixed deposit falls due on the 20th June I shall invest the balance in Government paper. I shall then take action under the Charitable Endowments Act VI of 1890, and hand the whole of the funds, as invested,over to the Madras Government, with a request that they will hold the money in trust under the Act.

Under section 5 of the Act those who are interested in the money can move the Goverment to settle a scheme for the administration of the trust.

I request therefore that the Municipal Council will discuss this matter and will take steps to make a scheme so that this money which has been unspent for so many years may be put to some use. The matter is one

primarily for the people of Mangalore to decide since there is nothing to show that any appreaciable amount of the money was collected outside Mangalore Town. The Municipal Council, therefore, as representing the people of Mangalore, is the proper body to prepare a scheme and forward it to the Local Government. The Collector is not really concerned in the matter at all, and as soon as the money has been entirely invested and placed in the hands of the Local Government I shall cease to take any active steps with regard to these funds.

Your obedient servant,

Sd/- E.M.Gawne.

Collector.

TRUE COPY /

Y. Siva Ramayya

Municipal Office,

Mangalore, 21-8-'36.

Commissioner M.M.Delagate.

SB/21/8.

L. S. G. Department.

From the Collr. of S. Kanara, B4. pr 4230/35-10.8.3
From the Board of Revenue, A.No.3352--35-6 dated 10-10-1936.

ENDOWMENTS - Charitable - Mangalore Municipal Council - Town Hall Funds - Application of the Charitable Endowments Act, 1890.

Memo No. 36111-1-Ar dtd 29/3/37.

The Govt. observe that the draft scheme for the administration the Mangalore Town Hall Funds submitted by the Collector of S. Kanara gives very little idea of the exact nature and cost of the proposed building beyond the mere mention of the fact that 'a public hall' or 'a proper town hall for the use of the people of South Kanara' is to be built, gives very wide discretion to the trustees in the administration of the Funds. It appears from the connected papers that the cost of the building is roughly estimated at Rs.35,000 and the intention of the Council seems to be to meet, out of the total estimated cost, a sum of Rs.19,000 from its funds, the Town Hall Funds amounting to Rs.16,000 in round figures being utilised to meet the balance of the estimated cost. The D.T.P. is in favour of using the building for cinemas as suggested by the Council. It is not however

however stipulated how, and for what purpose the building is to be used by 'the people of South Kanara' and whether on payment or not. The Govt. consider that the proposed expenditure of Rs.19,000 out of municipal funds on the construction of a ~~Town Hall~~ building ~~the nature & utility of which is undefined~~ can hardly be justified. It is presumed in this connection that the municipal office will remain where it is now, though the proposed Town Hall building will be used for holding meetings of the municipal council; ~~if so~~ a building suitably furnished and designed for the conduct of municipal meetings, cannot be conveniently used regularly as a place of public entertainment - though it may be possible to lease out or allow its use occasionally for public entertainments or meetings. The draft scheme should therefore be revised after consulting the proposed trustees if necessary. If the proposed Town Hall is to be primarily intended for the holding of the meeting of the municipal council, it should be ~~constructed~~ designed suitably for that purpose and the extent to which it would be possible to use it for the other purposes referred to, should be indicated. A rough plan or other indication of the nature of the proposed building should be drawn up and its approximate cost stated. If, on the other hand, it is proposed to

build

N on p 12 of.

P on p 12 of

T on p 12 of

the govt would desire that

R on p 12 of

and made definite 4 on 45 of

S on p 13 of

build merely a hall for public meetings and entertainments this should be definitely stated and the type and cost of the building indicated. If the cost of the building exceeds the sum available, the source from which the balance is to be raised should also be stated. The expenditure of municipal funds on such a building would not appear to be justified.

2. The Collector of S.Kanara is requested to examine the whole question further in the light of the above observations and submit definite proposals in regard to the application of the Charitable Endowments Act, 1890 to the Town Hall Funds; if however, Mr.Gawne's original scheme for enlarging the library is thought preferable the Government would consider it favourably.

4.3.37

5/3/37

9.3.

To

The Collector of S.Kanara thro' the Board of Revenue.

Copy to the Board of Revenue.

LOCAL ADMINISTRATION **DEPARTMENT.**

CURRENT No.

Received 22373 19 *Registered* 19

Subject.

MGL.S 16.8.37

ENDOWMENTS - Charitable - (South Kanara) - Mangalore Taluk and Town - Town Hall Funds - Vesting in the Treasurer of Charitable endowments - Further report from the Collector - Submitted.

Ref. A. No. 3352/35-8.

Station Madras, *Dated the* 7th August 1937 19

From

T. N. S. Raghavan, Esq., I.C.S.,

Joint Secretary, (L.& S.R.)

Board of Revenue.

J. F. Hall, Esq., C.S.I., C.I.E., O.B.E., I.C.S.,

Commissioner of Land Revenue.

Read the following:-

I.

From the Government, Local Self-Government Department, Memo No.36111-1-A2, dated the 9th March 1937.

II.

Letter from M.R.Ry. Rao Bahadur M. V. Vellodi Avl.,B.A. Collector of South Kanara, Ref.No.1462/37-B4, dated the 12th July 1937.

ENDOWMENTS - Charitable - South Kanara - Mangalore - Town Hall Funds - Application of the Charitable Endowments Act.

Ref,- Board's Reference No.A.3352/35-7, dated the 18th March 1937.

Ref;-

Ref:- Government Memorandum No.36111-1-A2, Local Self Government Department dated 9th March 1937.

I have considered all the points in the Government Memorandum cited above and have also consulted the Chairman of the Municipal Council and a few others. The public of Mangalore are very keen on having a Town Hall. They are not so keen on the extension of the library. It has been definitely decided that the Municipal Office or the Meeting Hall of the Municipal Council will not be moved from its present abode and that the Town Hall will be entirely used as Town Halls are used in other places, for public meeting and occasional leasing out to Travelling cinema shows and such other purpose. The cost of the Town Hall is estimated at about Rs.35,000. Funds amounting to Rs.16,000 are available in the 'Town Hall Funds.' There is an amount of Rs.12,000/- accumulated which has been ear-marked for the construction of a Municipal Office. The Municipality will divert this money towards the construction of the Town Hall if the Government would sanction such diversion. There remains an amount of Rs.7,000 to be found. Both the Chairman and the Commission whom I interviewed tell me that there will not be any difficulty in finding this amount, that the Municipality is spending between 45 to 50 thousand rupees per year on capital cost and land acquisition for the widening of roads and that if a few of these items are postponed this amount of Rs.7,000 could be readily found.

2. The point for consideration of Government is whether it would sanction such diversion. The Municipality is not in any need of a new office. The money that has been ear-marked for it cannot be utilised by the Municipality without the sanction of Government. The Town Hall Funds are not sufficient for the construction of the Town Hall.

The

The idea of the construction of the Town Hall has been in the minds of the leading citizens of South Kanara for a long time. I should think it would only be proper to allow the Municipality to divert the funds ear-marked for the construction of the Municipal Office towards the construction of any other building which is intended to improve the civic amenities of Mangalore Town. Then in regard to the 7 thousand rupees the Municipality may be asked to set apart this amount in their next budget. I solicit orders whether the above suggestions have the approval of the Government. Plans and estimates will be prepared after knowing the views of the Government.

3. I submit that the decision on this point need not delay action being taken to approve the draft scheme submitted with this office letter Ref.R.4-4230/35 dated 10th August 1936.

REFERENCE:-

Submitted to the Government with reference to their Memorandum read above.

S. Ramaswamy 14/8/37

for Joint Secretary (L. & S.R.)

To

The Secretary to Government, Local Administration Department.

T.D.R.10-8-.

L.S.G. Department.

[illegible]C No.29063	From the Collr, S.Kanara,	R.C.No.3079/35 dated	12-7-1936.
[illegible]F ,, 29604	,, ,,	,,	15-7-1936.
[illegible]F ,, 21214	,, Board of Rev.	Ref.No.A3352/35-3	28-5-1936.
[illegible] ,, 28949	,, ,,	,, -4	5-8-1936.
[illegible] ,, 30146	,, Commr, Mangalore	No.2862/36	18-8-1936.
[illegible] ,, 33004	,, Board of Rev.	Ref.No.3352/35-5	15-9-1936.
[illegible] ,, 36111	,, ,,	,, -6	10-10-1936

Endowments- Charitable- Mangalore Town Hall Funds- Action under the Charitable Endowments Act, 1890.

The papers in the file relate to the question of vesting in the Treasurer of Charitable Endowments and settling a scheme for the administration of the following funds proposed to be utilised on the construction of a town hall in Mangalore, viz.

f 7-9 CF (1)
f 9-10 CF (2)
f 11 CF (3)
f 10 CF (4)
f 10-11 CF (5)

1. The Union Club Fund.
2. The Victoria Memorial Fund.
3. The Edward Coronation Fund.
4. The Delhi Durbar Fund.
5. The Victory Fund.

2. A short history of each of these funds will be found on pages 7-11 of current file. These funds were originally held in trust by the late Dewan Bahadur N. Subba Rao of Mangalore. After his death his son moved the District Court to appoint the ~~Collector~~ Collector, trustee of the funds and the District Court accordingly passed an order in O.P. 50 of 1934 in ~~virt~~ virtue of which the Collector became the trustee of the funds.

para 1 on f. 1 CF

para 4 on f. 7 CF

f 6 CF

3. These funds were originally deposited by the former trustee, the late Dewan Bahadur N. Subba Rao, in the local banks in Mangalore. They have now been invested by the Collector in Government Securities as shown on page 42 of current file except for a small

Schedule on f 6 CF

amount of Rs.442-5-7 which is in the Postal Savings Bank. The total amount as in August 1936 comes to Rs. 15,142-5-7. ~~If this amount also is to be vested in the~~ Treasurer of Charitable Endowments, it seems necessary that it should be invested in any of the ~~Govern~~ Government Securities mentioned in Sub section 3 of of Section 4 of the Charitable Endowments Act, 1890.

4. The Collector of South Kanara acting in the administration of the trust known as the Mangalore Town Hall Funds has in consultation with the Bar Association, Mangalore, the Municipal Council, Mangalore, and the District Board South Kanara submitted ~~the necessary~~ an application for the settlement of a scheme and a draft scheme for the administration of the funds under the Charitable Endowments Act. The Board of Revenue recommends that the scheme of administration drafted by the Collector may be approved. The collector's earlier letter of the 12th July 1935 contains the necessary ~~legal way see Ins for remarks in the first instance~~ application for the vesting of the Fund in the Treasurer of Charitable Endowments.

5. The points which require consideration are:

(i) whether a vesting order may be passed in respect of ~~money~~ the sum Rs 442-5-7 which is not investing in Govt. securities but lies in the P.O. Savings Bank.

(ii) the feasibility of constructing

a town-hall with the amount available

(iii) the propriety of using the annual club fund for purposes of a town-hall and (iv) sanctioning of the draft-scheme.

Cash in the post-office savings bank.

b. The Govt. Pleader, Sankara Kamath was of the opinion that Govt. could not make an order in respect of a fund which was not in a security conforming to sec. 4 (3) of the Charitable Endowments Act. Mr. Kamath had therefore asked for orders as to what should be done with the cash balance. In a previous case relating to George v Town Hall at Guntur the Law (Drafts) (now legal) Deptt. had held that there was no objection to the vesting in of savings Bank deposit with the Imperial Bank of India, in the Treasurer of Charitable Endowments - para 2 on p. 32 of Go. no. 2672 dtd 7th 6-1929. There can be no objection therefore to an order being made in respect of the balance in the P.O. savings Bank.

in para 5 p 3 C.F.

para 7 p 5 C.F.

(B)

9/2

Feasibility of the construction of a town hall with the amount (Rs. 15142.) available.

1. Mr. Gaurie was of the opinion that the amount would not be sufficient and he was in favour of using the money for the enlargement of the mc. library by the construction of a good-sized reading room. The public meeting which considered the question was however in favour of a town hall. The later Collector Mr. Humayun however accepted the lead of the public and has drawn a draft scheme II in which provision has been made for the construction of a town hall. The object is stated to be the construction of a town hall. He has however been made in the draft scheme for a modification of the object if, after three years, the amount is still found inadequate for the construction of a town hall. This scheme has been approved by the Mc. Cl. the Dt. Bd. and the Bar Association. The town hall at Guntur cost actually Rs. 23,485/- excluding the value of the site which was

Para 6 p. 4 of

II Pp. 44-45 of

Para 3 on p. ...

Para 2 & 5 of Page 1 of

G.O. no 2672 dtd 7-8-1924. (B)

Govt. land granted for the purpose free of cost: under therefore the Mc. Cl. Mangalore were to make up the deficiency, or ~~asks~~ further substantial contributions were to come in, there is little chance of the requisite amount being realised in another three years. In view however of the position already stated above, a town hall may provisionally be accepted as the object of the endowment.

9/2 Utilisation of the Marian Club Fund for purposes of a town hall.

8. Mr. Haume has considered this question in para 9 of his letter. A history of this fund is given in his note dt. M.T-9 C.F. The point is of some importance because the Cosmopolitan club which claims to be the direct descendant of the Marian club which became defunct in 1890, ~~a body claimed the account~~ had applied to Mr. Haume for the amount. The Cosmopolitan Club does ~~however raised~~ not appear to have raised any claim to the fund

para 5 C.F.

para 9 p. 5 C.F.

p. 7 C.F.

from 1896 when the assets of the defunct Club were realised by Mr. Subba Rao for the new "Mangalore Ganesh Club", till the time of his death in 1932; nor did they put in any claim when the O.P. for appointing the collector as trustee was disposed of by the Dt Judge in 1934. The claim of the Club need not therefore be taken seriously. The funds may be utilised for the purpose of a town hall.

9: The draft scheme prepared by the Coll: calls for the following remarks and modifications:

10 Para 1. The words "this scheme shall be called the" may be omitted so that the remaining words may form an appropriate heading as follows:
"Scheme for the Admn: of the Mangalore Town Hall Fund"

11 Para 2. For Para 2 the following may be substituted as para 1 in the place of para 1 converted as the heading

1(a) The fund shall consist of the amounts for which the collector of South Kanara was

Kh 7-8 C.F

p. 1 C.F

Original 6 C.F

Kh 44-45 C.F

Kh 44 C.F

appointed trustee by the Dt. Court
Sarkar Kanara in its order dated the
20th June 1934 in O.P. No. 50 of 1934,
and the interest accrued thereon,
more particularly described in
the schedule appended hereto.
(b) any further sum realised in
pursuance of the object specified
in Para 2 and the interest which
may accrue on the funds till
the completion of the project shall
be added to the Corpus of the
fund and invested in Govt. securities
(Cf. Rule (14) of the rules for the admn.
of the Gudur Town Hall Fund.)

12. Para 3. This may be re-
numbered ~~Rule 2.~~ para 2.

~~Rule 4.~~ Administration.

13) Para 4. may be re-numbered
para 3 and the following new para 4 may
be inserted: ~~as Rule 4 and numbered~~

" 4(1) In the event of a vacancy
in the office of an elected member
the Mpl. Cl., Dt. Bd. or Bar Association
as the case may be, shall elect a
fresh member. In the event of their
failure to do so for two months

after the occurrence of the vacancy the remaining members of the Board may appoint a fresh representative from among the same body from which the vacancy should have been filled.

(2) No business shall be transacted at a meeting of the Board unless at least three members are present.

(3) The Board shall have power to frame regulations re: the conduct of its meetings and the admn of the trust and to alter them.

It is necessary to make provision in the ~~rules~~ Scheme for the matters referred to above. The rule proposed follows with suitable modifications the corresponding rules of (4) - (7) of the Guntur Town Hall Scheme Rules. C/55-56

14/ ~~Rule 5~~ Para 5 may be modified as in the redraft below which may be substituted for the same: L45 C/

"5. (1) ~~None of~~ The members of the Board shall not be entitled

to any pay or remuneration for their services.

(2) The Board shall be dissolved after the object for which it is constituted has been carried out either by the erection of the town hall or otherwise.

(3) The administration of the town hall or such other institution as may be substituted for it under para 2, shall, after the dissolution of the Board, be vested in the M. C. Mangalore; and the Council shall be responsible for the proper upkeep and maintenance of the institution."

15. The following addl paras may be added as paras 6, 7, 8 & 9. Paras 6 & 7 follow with suitable modifications paras (8) & (9) of the Gunter Town Hall scheme and paras 8 & 9 follow the corresponding paras of the draft scheme originally prepared by the M. C. Mangalore.

C/56 & 57)

L 49 C.F.

"6. The town hall shall be permitted to be used free of charge for the lawful and peaceful celebration of public functions and for public meetings subject

to such conditions and rules as may be imposed without prejudice to this primary purpose the hall may be permitted to be used for any private meeting or function provided that reasonable rent on a scale to be fixed by the Council is levied for such use."

"7. The use of the town hall shall not be permitted for seditious meetings or for any meeting calculated to foment religious hatred between one community and another."

"8. All income derived by way of rent or otherwise on account of the hall, shall be used for the purpose of the hall only."

"9. The Board, and after the dissolution of the Board, the M.C. shall maintain regular accounts of all sums received and expended on account of the town hall or other institution as

the case may be.

Schedule.

[Here enter the draft at F at p. 42 C]

16. A draft order and two draft notifications are put up. The case may be sent to the Legal Deptt. for favour of vetting of the draft scheme and ~~for~~ remarks as paras 6 to 8 ante.

The scheme seems to me to be radically unsound and I have little doubt that if it is accepted in this form we shall have a repetition of what occurred in Cannanore. I very much doubt whether a statement made by his successor at page 15 c.f. that this is the scheme as contemplated by Mr. Gawne is correct. His letter at pages 1-5 certainly does not support this assertion. The fundamental difficulty is that nobody seems to know what is meant by a town hall. According to my dictionary it is "a public hall or building belonging to a town where the public offices are established, the town council meets, the people assembled in town meet" etc. The municipality originally had an idea of

constructing a building of this nature but Government decided that there was no need for them to build a new office. So that proposal was given up. The draft scheme gives very little idea of exactly what building it is proposed to erect and at what cost. Apparently the trustees are to have a very wide discretion in this matter and all that the scheme lays down is that what is to be built is "a public hall or a proper town hall for the use of the people of South Kanara". If they cannot get enough money for this after three years or there are objections to the project, they are to get Government's approval for some other scheme. If the town hall is built it is to be handed over to the municipality.

It appears however from the other papers that the intention is that the municipality should devote Rs 12,000 which it has put by for an office building to this purpose and add another Rs 7,000, the whole building to cost Rs 35,000. Nothing in the nature of the plan of a building is available but it was suggested by the municipality when they were working out their scheme that it should also be used for cinemas and the D.T.P. has this idea in view and favours it. Presumably it is intended that while the municipal office is to remain where it is this building is to be used for municipal meetings, while it is also to serve "for the use of the people of South Kanara" how, and for what purposes, whether on payment or not is not stipulated. It is difficult to justify the expenditure of Rs 19,000 of municipal funds on such a building and experience of similar attempts in other places shows that projects to build public halls of this nature are rarely if ever satisfactory. A building suitable in design and furniture for municipal meetings cannot be conveniently used regularly as a place of public entertainment though it may be feasible to lease or allow its use occasionally for public entertainments or meetings.

I think before the scheme is considered further the Collector should be asked to work it out in much greater detail consulting the proposed trustees if necessary. If the proposed hall to be primarily for the holding of municipal meetings then it should be constructed suitably for that purpose and the extent to which it would be possible to use it for other purposes should be indicated. A rough plan or other indication of the nature of the proposed building should be drawn up, its approximate cost stated. If on the other hand it is proposed to build merely a hall for public meetings and entertainments this should be definitely stated and the type and cost of the building indicated.

If the cost exceeds Rs — sum available the source from which the balance is to be raised should be stated

I think it should be possible to prepare a draft referring the matter back to the Collector through the Board on the lines of what I have stated above. What happened to the Guntur scheme--flagged B? I seem to remember some correspondence with Mr. Strathie about some Jubilee funds, which suggested that the town hall scheme had never actually materialised.

MR in the portion marked in blue pencil

A

We might also suggest that if Mr. Gawne's original scheme for enlarging the library is thought preferable in the light of the above remarks the Government would consider it favourably.

MR
12.2

(1 CF IV

A draft o.m. as ordered by secy is submitted below for approval.

2. As regards the Guntur scheme in respect of which the preliminary notifications were published in G.O. no. 2672 dtd 7.6.29, it is submitted

G.L.S. 12.2.37

(B)

1 cm/Ad

submitted that the scheme was finally approved in G.O. pp 345 L&M dy 27.1.30. the papers referred to by secy at 'A' on p 13 ante are not readily ~~traceable~~ available. they will be traced & put up when the file is submitted again after the issue of OM.

Sent! c.

7.3.37
4.3.37

5/4/37

Secy

9.3

pc
Issue & return file
Done 3/4/37

[Issued. Cy. pp 36111-1 Nr dtd dy 9.3.37]

Remembers. Secretary has apparently in mind the Correspondence & the order vide G.O. No. 4933 Lab. dy 12.11.1936

C. No. 36111

(V)

30.4.37

1/5/37 Secy

I don't think so but it's not worth pursuing

4/5

As the subject "charitable Endowments" has been transferred to Edn & P. H. the file may be transferred u.o. to that department for necessary further action

A.

30/8 E&PH Dept

1 - SEP 1937

EDUCATION & PUBLIC HEALTH DEPARTMENT

Lr. dt. 30/8

8/45

20.8.37

Accts. pro. 36III-2-A2

36(8/37

p.59cf

15/9/37

[memo. 36III-1A2 L&S 8 9.3.37 to the Collr. of S. Kanara

p62cf Endn. 22373 from the Collr. of S. Kanara. 1462/37-3412-7-37

Read 6/9

from the Bd. of Rev. Roc A-3352/35-897-8-37

The estimated cost of the Town Hall viz Rs. 35,000 is to be found as follows:—

(i) Town Hall funds :— Rs. 16,000

(ii) Diversion of the amount earmarked by the Municipal Council, Mangalore for an Rice building — Rs. 12,000

(iii) Addl. amount to be provided by the Municipal Council, Mangalore from its funds — Rs. 7,000

Total — Rs. 35,000

The Collector requests orders for the diversion in item (ii) above and for permission to provide

Accts 2 - pp 63-64cf

for the balance of Rs 7000 - item (iii) above, ie the Municipal Council's budget for next year. As the amount involved in these two items is more than half the estimated cost, the points re: diversion and provision in the municipal budget next year, may first be settled, before the draft Scheme is published. (Further the question of alienation of Site for the purpose is also to be taken up only after the above diversion of the earmarked fund is sanctioned - vide p/7 Cf. Linked file). The above two points are for consideration in LA deptt. The case may therefore be sent to that deptt. too. for remarks on those two points. (If the diversion and the provision for the balance amount are found permissible, the draft scheme will be published on consultation with the Legal deptt).

The file may be sent to L.A. in the first instance with reference to A above

A

B

* Cno. 15777 Diarised & sent to Rev

SECRETARY TO GOVERNMENT 27 SEP 1937 26981 LOCAL ADMINISTRATION DEPT.

Govt. no. 15691-1F
25-9-37

~~17~~ 81 L.A. Deptt.

Please see the notes of the L.S.G.D. Deptt at pp 15+16 ante

2. The proposal under reference amounts to permitting the Mangalore M.C. to make a contribution of about Rs 19,000 from its general funds to the Town Hall fund" which is an endowment. The "Town Hall fund" amounting to Rs 16,000 together with the proposed contribution is to be utilized in the construction of a town hall for the benefit of the public of Mangalore; & the building, when constructed is to be maintained by the M.C, being kept a separate account of the income & expenditure thereon

vide draft at page 11 of file

3. The points for consideration are (1) whether the finances of the M.C. will permit it to spend about Rs 19,000 for the present purpose & (2) whether M.C. funds may be spent for the purpose.

Item (1). The M.C. has agreed to utilise for this purpose the accumulations (about Rs 12,000) in the M.C. building fund & to meet the balance

pp 63-64 of file.

18 M

× about Rs 7,000

× balance required (to make up Rs 19,000) out of its general funds. The ordinary position of the general account of the M.C. is satisfactory. According to the B.E. for 1937-38 as modified by the actual opening balance on 1-4-1937 the 'General Acct-Cr.dy' is expected to close on 31.3.1938 with a balance of Rs 27,570 against a prescribed minimum balance of Rs 12,102. The C.C. will therefore be able to ~~provide necessary funds for the construction of the town hall~~ to meet the expenditure in question.

p74 ante ✗ 207-L. 31 (X)

Item (2). The expenditure seems to fall under clause (d) of Rule 40 of Schedule IV to the M.D.M. Act, 1920; & it is permissible (Vide rule 37 of Schedule IV of the Act). Attention is in this connection invited to the notes of the late Secy. at pp 11-13 ante & the memo. at pp 59-61 ct. It was held that if the hall is ~~used~~ merely intended for public meetings & entertainment, the expenditure of municipal funds on such a building would not appear to be

p61 ct

p63 cf

p64 cf

To A_2 [~~for orders~~ in regard to the utilization of ML. funds for the town hall in question.]

Not concerned
6.X.37

ve justified. The Collector of South Kanara has reported that the Town Hall will be entirely used as Town Halls are used in other places for public meetings & occasional leasing out to travelling cinema shows & such other purposes." He has added that plans & estimates will be prepared after knowing the views of the Govt. as to whether they will permit the utilization of ML. funds to the extent mentioned above.

P.S. For orders whether the view already taken (vide end of para. 1 on p61 cf) may be adhered to.
6/10/37

In view of the present Collectors recommendation at X on p64 cf. the proposed diversion of Board funds on the construction of the Town Hall may perhaps be permitted. The expenditure of many funds on the construction and maintenance of public halls is permissible under Rule 40(d) Q

Schedule IV Rule 15 Rule
MD Act 1920

8/10

19051

E/1'/41

The construction of a town hall is an appropriate object for the expenditure of municipal funds in a progressive municipality such as Bangalore. Further the Council can afford it. There need be no objection to the proposed diversion

E&P.H. 8/10 27/11/10

L.A. Spl No 26901-B7
11-10-1937.

B/

P.T.O.

E&PH

Please see the notes on pp 15-20 ante.

2. The Town Hall fund is comprised of five funds and the public are interested in the Scheme. Preliminary notifications may therefore be published in this case, as in the case of the Gunter Town Hall - Eo. 2672 dtd 7-6-'29. A draft order is submitted for approval. It may be sent to the Legal Deptt. for scrutiny before issue.

3. The case may also be sent ~~first~~ to the Rev. Deptt. for perusal, with reference to the question re: the alienation of a site for the town hall which is pending in that Deptt.

Cf plaute

(B)

Cf 'B' in plaute

ASSISTANT SECRETARY I.
7245
30 NOV 1937
LEGAL DEPARTMENT.

22/11
JD
24/11/37

819
27.11.37
S

Cor 4/12/37
Legal
Rev

E&PH Eo. 1905-1F
29.11.37

Legal Department.

Draft Notification I.-The slight alterations indicated in red ink on the draft may be made.

Draft Notification II.-Clause 3 of the Scheme provides that one member shall be elected by the District Board, South Kanara, two members by the Municipal Council, Mangalore and two members by the Bar Association, Mangalore. It is presumdd that the members to be elected should be members of the District Board, Municipal Council and the Bar Association respectively. If this is so, items (3), (4) and (5) in that clause may be recast as follows:--

"(3) one member elected by the members of the District Board, South Kanara from among themselves;

(4) two members elected by the members of the Municipal Council, Mangalore from among themselves; and

(5) two members elected by the members of the Bar Association, Mangalore from among themselves.

If this is agreed to, a provision may be made for the vacation of ~~the~~ seat by a member ~~of~~ the Board on his ceasing to be a member of the body by which he was elected. The following clause may be inserted after clause 3:-

" A member of the Board who was elected by the District Board, South Kanara, the Municipal Council, Mangalaore, ~~or~~ the Bar Association, Mangalore, shall cease to hold office if he ceases to be a member of the District Board, the Municipal Council or the Bar Association, as the case may be,"

Clause 4 (3) provides that the Board shall

have power to frame regulations regarding the conduct of its meetings and the administration of the trust and to alter them. The administration of the trust should be in accordance with the Scheme settled by the Government and the Board will have no power to make regulations with regard to the administration of the trust. If, as is presumed, the Board is to be empowered only to regulate its proceedings, the maintenance of accounts and the like, the clause may run somewhat as follows:--

"Subject to the provisions of this Scheme the Board may from time to time make bylaws for the regulation of its proceedings, the maintenance of accounts and the like."

Clause 6 provides for the manner in which the Town Hall should be used. But it does not specify how the institution which may be substituted for the Town Hall under clause 2 should be utilized. Again, the clause refers to conditions and rules. It is presumed that the conditions and rules are to be imposed or made by the Council. If so the clause may be recast as follows:--

"(1) The Town Hall shall be permitted to be used free of charge for lawful and peaceful public functions and meetings.

(2) Without prejudice to the provisions of sub-clause (1) the Town Hall may be permitted to be used for any lawful and peaceful private function or meeting provided that reasonable rent on a scale to be fixed by the Municipal Council, Mangalore is levied for such use.

(3) The use of the Town Hall for any of the

purposes mentioned in this clause shall be subject to the rules framed, and to the conditions imposed, by the Municipal Council, Mangalore."

Clause 7 applies only to the use of the Town Hall. It does not apply to the institution which may be substituted for the Town Hall under clause 2 of the Scheme.

Clause 8 provides that all income derived by way of rent or otherwise on account of the Town Hall shall be used for the purpose of the Hall only. It does not deal with the income which may be derived from an institution which may be substituted for the Town Hall under clause 2.

Subject to the above remarks the Scheme may be recast as follows:--

"Scheme for the administration of 'The Mangalore Town Hall Endowment Fund'.

1. The Fund shall be called 'The Mangalore Town Hall Endowment Fund'.

2. It shall be administered by a Board of Trustees (hereinafter called the Board) which shall consist of --

(1) the Chairman of the Municipal Council, Mangalore, ex-officio;

(2) the President of the District Board, South Kanara, ex-officio;

(3) one member elected by the members of the District Board, South Kanara, from among themselves; -

(4) two members elected by the members

of the Municipal Council, Mangalore, from among themselves; and

(5) two members elected by the members of the Bar Association, Mangalore, from among themselves.

3. (1). A member of the Board who was elected by the District Board, South Kanara, the Municipal Council, Mangalore or the Bar Association, Mangalore, shall cease to hold office if he ceases to be a member of the District Board, the Municipal Council or the Bar Association, as the case may be.

(2) If a vacancy arises in the office of an elected member of the Board by any cause whatsoever, the District Board, the Municipal Council or the Bar Association, as the case may be, shall elect a fresh member to fill the vacancy. If within two months after the occurrence of the vacancy the District Board, the Municipal Council or the Bar Association fails to elect a member, the remaining members of the Board shall elect a member to fill the vacancy from among the members of the District Board, the Municipal Council or the Bar Association, as the case may be.

4. The Board shall elect one of its members to be its President.

5. No business shall be transacted at any meeting of the Board unless at least three members are present.

6. Subject to the provisions of this Scheme the Board may from time to time make bylaws for the regulation of its proceedings, the maintenance of accounts and the like.

7. The members of the Board shall not be entitled to any pay or remuneration for their services.

8. The Fund shall be utilized for the erection of a proper public hall in Mangalore town, (hereinafter called the Town Hall) for the use of the people of South Kanara District, provided that if, after the lapse of three years from the date on which the administration of the Fund is vested in the Board it is found that the Fund is insufficient for the said purpose or that there are objections to the carrying out of the said purpose, the Board may, with the previous approval of the Government of Madras, utilize the Fund for some other single purpose which is for the cultural or civic benefit of the people of South Kanara District.

9. The Board shall have the power to accept funds for the purposes of the endowment provided that such funds are unaccompanied by conditions inconsistent with the nature, purposes or provisions of this Scheme. Such funds shall be vested in the Treasurer of Charitable Endowments appointed for the Province of Madras, under the terms and conditions as to the application thereof provided in this Scheme.

10. The Board shall be dissolved after the purpose for which it is constituted has been carried out either by the erection of the Town Hall or otherwise.

11. The administration of the Town Hall or the institution which may be substituted for it under clause 8 shall, after the dissolution of the Board, be vested in the Municipal Council, Mangalore which shall be responsible for the proper upkeep and

maintenance of the Town Hall or the institution, as the case may be.

12. The Board, and after the dissolution of the Board, the Municipal Council, Mangalore, shall maintain regular accounts of the sums received and expended on account of the Town Hall or the institution which may be substituted for it under clause 8, as the case may be.

13. (1) The Town Hall shall be permitted to be used free of charge for lawful and peaceful public functions and meetings.

(2) Without prejudice to the provisions of sub-clause (1) the Town Hall may be permitted to be used for any lawful and peaceful private function or meeting provided that reasonable rent on a scale to be fixed by the Municipal Council, Mangalore, is levied for such use.

(3) The use of the Town Hall for any of the purposes mentioned in this clause shall be subject to the rules framed, and to the conditions imposed, by the Municipal Council, Mangalore.

14. The use of the Town Hall shall not be permitted for any seditious meeting or for any meeting calculated to foment religious hatred between one community and another.

15. All income derived by way of rent or otherwise on account of the Town Hall shall be applied solely for the purposes of the Town Hall.

16. The amount of the Fund may from time to time be reinvested in Government securities."

The slight alterations indicated in red in...

in the preamble may be made.

25/12/37

Rev

23/12

ASST. SECRETARY TO GOVT. 8 - JAN 1938 COMMUNICABLE DISEASES PUBLIC HEALTH DEPT.

Legal 7245-1

3.1.38

SOF 3 - JAN 1938

Rev dept

To U.S.

Please see the note of E&H at p 21 ante. The file has been sent to this dept with refce to para 3 of their note.

2. E&H may be requested to send a copy of the order to this dept. On receipt of the copy, necessary action will be taken in this dept for the alienation of the site required for the construction of the town hall.

3. The file may be returned to E&H

4.1.38.

4.1.38

Rev U.O.No 50-F/38-1

7.1.38.

E+P.H

E&H.

Please see the Legal dept's note on pp 22-24 ante. The presumptions at A, B, C on pp 22, 23 ante seem correct

1190

and it may be noted that it is now proposed to issue only a preliminary notification. It will be confirmed after six weeks from the date of publication in the St. Gazette - ~~Any interested person may offer any criticism or suggestion on the Scheme, and it will be duly considered.~~

2. The Scheme of administration as recast with reference to the Legal Dept's note is given on pp 24-27 ante. With reference to 'Q' and 'P' on pp 23, 24 ante, it does not seem that any mention need be made in the present scheme of the use to which the substitute institution should be put or of the income which may be derived from the substitute institution, until anything is definitely known as to what shape the ~~substitute~~ institution ~~would~~ will take. (In the scheme as now drafted no mention is made of the use or of the income of the substitute institution)

This question may be considered when the Contingency arises.
S&A
25/1/38.

There will be necessary

3. The date of operation of the Scheme has now been entered as 1-5-38, instead of 1-4-38 as formerly proposed. This is with a view to allow time for publication in St. Gazette which is done on the 24th of each month in the case of S. Kanara, and for receipt of objections, if any.

'R' memo. & proposal on p 14 of the typed book
24-2-38
Bombay 9-4-38

4. The draft with revised notification and Scheme has been typed and

and is submitted for approval.

24/1/38

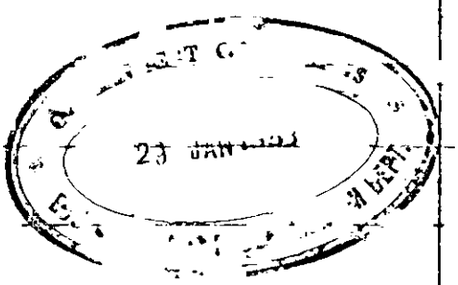
STA
25.1.38

JD
25/1/38

S.

CAM
26/1/38

M(R&A) approved
28.1.38.



C.F. 15.

~~DRAFT FOR APPROVAL.~~

E & P 14

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

SUBJECT:—

Endowments

Mangalore Town Hall Fund - Vesting in the Treasurer of Charitable Endowments — Scheme Administration — Draft notification — Published

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO*:— Ref: 3079/35 12-7-1935

No. 29063 From the Collr. of S. Kanara, No. A 3352/35, dated 28-8-19 36.
21214 Bd. of Revenue

" 31611 " Collr. of S. Kanara " B 4-4230/35 10-8-19 36.
Commr. Mangalore Mun. 2862 D-181 18-8-1936

" 22373 " Bd. of Revenue " 3352-35-6 10-9-19 36.
Collr. of S. Kanara 1462-37 By 12-7-1937
Bd. of Revenue A-3352-35-8 7-8-1937

Order Ms. ~~Resolution Roit~~. No. _____, dated _____ 19____

1-46 G

1-63 G

The papers read above relate to the Construction of a Town Hall in Mangalore at a cost of Rs 35,000. The Collector of S. Kanara as trustee of the Town Hall Funds proposes, in Consultation with the Chairman, Municipal Council, ~~and Certain other persons interested~~ to meet the expenditure as follows:—

76 Sir Rs

(i) Town Hall Funds 16,000

(ii) Diversion of the amount earmarked by the Mun. Council, Mangalore, for an office building. } 12,000

(iii) Additional amount to be provided by the Mun. Council, Mangalore from its funds. } 7,000

35,000

↑ 63 cf.

The Govt. have no objection to the proposal. They sanction the diversion of the sum of Rs 12,000 earmarked by the Mun. Council for an office building ~~for the purpose~~ and the utilisation of a further sum of Rs 7,000 ~~from Mun. funds provided in the budget of the Mun. Council for next year~~ for the purpose.

↑ 20 nP

2 The approved notifications will be published in the Fort St George Gazette.

3 The Collr. of S. Kanara is requested to publish the notifications in the S. Kanara Dt Gazette and to report to Govt. the date of such publication.

To
The Commr. Kanara Hdqrs
" the chairman
" P.W.D. S. Kanara
" Collr-S. Kanara
" Asstt. Secretary
" Rev. Mangalore
" B.J. Rev
" R.C. (for publication in gazette)

8/a 27.11.37. 9/11/37

(Approved)

Appendix

Notification I

The following draft of an order vesting the trust properties known as "The Mangalore Town Hall Fund (Endowment)" in the Treasurer of Charitable Endowments, Madras which the Govt. of Madras propose to issue under section 4 of the Charitable Endowments Act, 1890 (VI of 1890) is hereby published for [the general information.] information of all persons likely to be affected thereby. Notice is hereby given that the said draft will be taken into consideration after six weeks from the date of its publication in the South Kanara District Gazette and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Govt. of Madras :—

Draft order.

In the matter of the Charitable Endowments Act, 1890 and in the matter of [the trust properties known as] the Mangalore Town Hall [Fund]. — Endowment

Whereas application has been made to the Govt. of Madras under clause (a) of subsection (1) of section 6 of the Charitable Endowments Act, 1890 (VI of 1890) by the Collector of South Kanara acting in the administration of the trust [properties] fund known as "The Mangalore Town Hall [Fund]" Endowment for vesting the [properties belonging to the trust specified] in the Schedule below in the Treasurer of Charitable Endowments appointed under the said Act for the Province of Madras, the Govt. of Madras in exercise — securities and money more particularly described

securities and money mentioned in the Schedule

5/ Qry

of the powers conferred by section 4 of the said Act are hereby pleased to order that the [said properties] be vested in the Treasurer aforesaid and be held by him and his successors, subject to the provisions of the said Act and to any rules which from time to time may be, or shall be deemed to have been, made thereunder, upon trust for the purposes, and subject to the conditions set forth in the Scheme settled under section 5 of the said Act for the administration of the said fund.

Schedule

5 1/2 % Govt. Promissory Notes 1938-1940,

M 000301 for Rs. 10,000
G 002169 for Rs. 1,000
G 002170 for Rs 1,000
G. 002132 for Rs. 1,000
B. 001598 for Rs. 500
J 000530 for Rs. 500
Total Rs 14,000

4% Govt. Bonds 1943

E. 000075 Rs 200
F 000630 Rs. 500
Rs 700

Post Office Savings Bank, Mangalore, Pass Book No 45666 : Rs 442-5-7
Rs 15,142-5-7

Typed

Notification II

The following draft of an order settling a scheme for the administration of the trust properties known as "The Mangalore Town Hall (Endowment) Fund" which the Govt. of Madras propose to issue under sub-section (1) of Section 5 of the Charitable Endowments Act, 1890 (VI of 1890) is hereby published for general information. [the information of all persons likely to be affected thereby.] Notice is hereby given that the said draft will be taken into consideration after six weeks from the date of its publication in the South Kanara District Gazette and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the

A

101

Govt. of Madras:—

Draft order

In the matter of the Charitable Endowments Act, 1890 and in the matter of "The [Trust properties known as the] Mangalore Town Hall/Fund

Endowment/

Whereas application has been made to the Govt. of Madras under clause (a) of subsection (1) of section 6 of the Charitable Endowments Act, 1890 (VI of 1890) by the Collector of South Kanara acting in the administration of the [trust properties] known as "The Mangalore Town Hall Fund" and referred to in Notification No. x ~~dated~~ x supra, for settling a Scheme for the administration of the said Fund, it is hereby notified that the Govt. of Madras have, in exercise of the powers conferred by Section 5 of the said Act,

Trust Fund

Endowment

A To be filled later

settled the Scheme set forth in the Schedule below for the administration of the said fund and that such Scheme shall come into operation with effect on and from the 1st April 1938.

Schedule

Scheme for the administration of the Mangalore Town Hall Fund.

1. (a) The fund shall consist of the amounts for which the Collector of South Kanara was appointed trustee by the District Court, in South Kanara in its order dated the 20th June 1934 in O.P. No. 50 of 1934 and the interest accrued thereon, more particularly described in the Schedule appended hereto.

(b) Any further sum realised in pursuance of the object specified

directed

may

(Here omit the stamp payment by Legal on pp. 24-27 N.F.)

15.4.38

× Subject to appn. of Sec. 5 (3) of the Act (1½ mos. time from ... within ... to be allowed ... Scheme ... of ... in ... of ...

[pp 44-45 CF as amended by the note on p. 6-11 NF]

p 46 CF

p 7 NF

paragraph
in ~~para~~ 2 and the interest which may accrue on the funds till the completion of the project shall be added to the corpus of the fund and invested in Government Securities.

2. The funds shall be utilised for the erection of a public hall in Mangalore Town for the use of the people of South Kanara District provided that if after the lapse of three years from the date on which these funds pass under the control of the Board of Trustees as constituted by this Scheme, it is found that the funds are still insufficient for the erection of a proper Town Hall for the use of the people of South Kanara and that there are no objections to the execution of the contemplated object, the Board

by the Bar Associations
Mangalore from among
4. (1) In the event
a vacancy in the office
of an elected member,
the municipal council,
District Board or Bar
Association as the case
may be, shall elect a
fresh member. In the
event of their failure to
do so for two months
after the occurrence of the
vacancy the remaining
members of the Board
may appoint a fresh
representative from among
the same body from which
the vacancy should
have been filled.

(2) No business shall
be transacted at a meeting
of the Board unless at
least three members
are present.

(3) The Board shall
have power to frame
regulations regarding the

conduct of its meetings and the administration of the trust and to alter them.

5. (1) The members of the said Board shall not be entitled to any pay or remuneration for their services. ↳ 8 nf ↳ 9 nf

(2) The Board shall be dissolved after the object for which it is constituted has been carried out either by the erection of the town hall or otherwise ↳ 9 nf

(3) The administration of the town hall ~~shall~~ or such other institution as may be substituted for it under para. 2, shall, after the dissolution of the Board, be vested in the Municipal Council, Mangalore, and the council shall be responsible for the proper upkeep and maintenance of the institution. ↳ the

The town hall shall be

permitted to be used free of charge for the lawful and peaceful celebration of public functions and for public meetings subject to such conditions and rules as may be imposed. Without prejudice to this primary purpose the hall may be permitted to be used for any private meeting or function provided that reasonable rent on a scale to be fixed by the Council is levied for such use.

7. The use of the town hall shall not be permitted for seditious meetings or for any meeting calculated to foment religious hatred between one community and another.

8. All income derived by way of rent or otherwise on account of the hall shall be used for the purpose of the

Cell only:

9. The Board, and after the dissolution of the Board, the municipal council, shall maintain regular account of all sums received and expended on account of the town hall or the institution as the case may be.

17/11

27.11.37.

24/11/37

24.11.37

To be substituted by the legal Deptt draft sent 24-2-38 N.L.

C 52/29/1 Revised draft ... 101

C.F. 17.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

E & P.H.Deptt.

SUBJECT:—

ENDOWMENTS -

Mangalore Town Hall Fund - Vestin in the Treasurer of Charitable Endowments - Scheme of Administration - Draft notification published.

READ AGAIN _____, dated _____ 19____.

,, ,, _____ ,, _____ 19____.

READ *ALSO*:—

			Ref.		
No. 29063	From the	Collr. of S. Kanara	No. 3079/35	dated 12.7.1935	
21214	"	Bd. of Rev.	A.3352/35	28.5. 36	
,, 31611	,,	Collr. of S. Kanara.	B.4.4230.35	10.8.1936	
		Commr. Mangalore Mty.	2862 D.	18.8. 36	
,,	,,	Bd. of Revenue	3352-35-6	,, 10.10.36	
,, 22373	,,	Collr. of S. Kanara.	1462-37 B4	12-7-37.	
		Board of Revenue,	A.3352-35-8	7-8-37.	

Order / Resolution Ms. / Rout. No. 359, dated 29-1-1938

P.H.

The papers read above relate to the construction of a town hall in Mangalor at a cost of Rs.35,000. The Collector of South Kanara as trustee of the Town Hall Funds proposes, in consultation with the Chairman, Municipal Council to meet the expenditure as follows:-

	Rs.
(i) Town Hall Funds	16,000
(ii) Diversion of the amount earmarked by the Ml.Cl.Mangalore for an office building.	12,000
(iii) Addl.amount to be provided by the Ml.Cl.Mangalore from its funds.	7,000
	35,000

The Govt. have no objection to the proposal. They sanction the diversion of the sum of Rs.12,000 earmarked by the Ml.Cl. for an office building and

the utilisation of a further sum of Rs.7,000 from Ml.funds for the purpose.

2. The appended notifications will be published in the Fort St.George Gazette.

3. The Collector of S.Kanara is requested to publish the notifications in the S. Kanara Dt.Gazette and to report to Govt. the date of such publication.

R.D.
27/11/37

S.K.
27-11-37

C.H.M.
29-11-37

To the Commr., Mangalore Mty.
thro' the Chairman.
" P.D.B., S. Kanara,
" President, Bar Assn., Mangalore,
" Revenue Deptt.
" Bd.of Revenue,
" S.G.P. (for publication in Gazette).
Collr. S.Kanara.
Copy to M.L-A. Deptt
— Ex gr Accs.

Appendix

an
ost
ssenger
als

P.T.O.

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NOTIFICATION.I.

The following draft of an order vesting the trust properties known as "The Mangalore Town Hall Endowment Fund" in the Treasurer of Charitable Endowments, Madras, which the Govt.of Madras propose to issue under sec.4 of the Charitable Endowments Act, 1890 (VI of 1890) is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration after six weeks from the date of its publication in the S.Kanara Dt.Gazette and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Govt.of Madras:—

DRAFT ORDER.

In the matter of the Charitable Endowments Act, 1890, and in the matter of "The Mangalore Town Hall Endowment Fund."

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Whereas application has been made to the Govt.of Madras under clause (a) of sub-section (1) of section 6 of the Charitable Endowments Act, 1890 (VI of 1890) by the Collector of South Kanara acting in the administration of the Trust Fund known as "The Mangalore Town Hall Endowment Fund" for vesting in the

Treasurer of Charitable Endowments appointed under the said Act for the Province of Madras, the securities and money more particularly described in the Schedule below, the Govt. of Madras in exercise of the powers conferred by section 4 of the said Act are hereby pleased to order that the securities and money mentioned in the Schedule be vested in the Treasurer aforesaid and be held by him and his successors, subject to the provisions of the said Act and to any rules which from time to time may be, or shall be deemed to have been, made thereunder, upon trust for the purposes, and subject to the conditions set forth in the Scheme settled under section 5 of the said Act for the administration of the said Fund.

SCHEDULE.

5½% Govt.Promissory Notes 1938-1940.

M 000301 for Rs.	10,000
G 002169 for Rs.	1,000
G 002170 for Rs.	1,000
G 002132 for Rs.	1,000
B 001598 for Rs.	500
F 000530 for Rs.	500
Total.Rs.	14,000

4% Govt.Bonds 1943.

E.000075 Rs.	200
F 000630 Rs.	500
	700

Post office Savings Bank, Mangalore, Pass Book No.45666 ..Rs. 442-5-7

15,142-5-7

'I' on p 42 ref

Notification.II.

The following draft of an order settling a scheme for the administration of the trust properties known as "The Mangalore Town Hall Endowment Fund" which the Govt.of Madras propose to issue under sub section (1) of Section 5 of the Charitable Endowments Act, 1890 (VI of 1890) is hereby publisned for general information. Notice is hereby given tnat the said draft will be taken into consideration after six weeks from the date of its publication in the South Kanara Dt.Gazette and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Govt.of Madras:

Draft Order.

In the matter of the Charitable Endowment Act, 1890 and in the matter of "The ~~Endowment~~ Mangalore Town Hall Endowment Fund".

Whereas application has been made to the Govt.of Madras under clause (a) of sub section (1) of section 6 of the Charitable Endowments Act, 1890 (VI of 1890) by the Collector of South Kanara acting in the administration of the Trust Fund known as "The Mangalore Town Hall Endowment Fund" ~~shall~~ and referred to in Notification No. × supra, for settling a scheme for

× To be filled later

the administration of the said Fund, it is hereby notified that the Govt.of Madras have, in exercise of the powers conferred by section 5 of the said Act, settled the Scheme set forth in the Schedule below for the administration of the said Fund and directed that such Scheme shall come into operation with effect on and from the 1st May 1938.

SCHEDULE.

Scheme for the administration of "The Mangalore Town Hall Endowment Fund".

1. The Fund shall be called "The Mangalore Town Hall Endowment Fund".

2. It shall be administered by a Board of Trustees (hereinafter called the Board) which shall consist of --

(1) the Chairman of the Municipal council, Mangalore, ex-officio;

(2) the President of the District Board, South Kanara, ex-officio;

(3) one member elected by the members of the District Board, South Kanara, from among themselves;

(4) two members elected by the members of the Municipal council, Mangalore, from among themselves; and

(5) two members elected by the members of the Bar Association, Mangalore, from among themselves.

3.(1) A member of the Board who was elected by the District Board, South Kanara, the Municipal Council, Mangalore or the Bar Association, Mangalore, shall cease to hold office if he ceases to be member of the District Board, the Municipal Council or the Bar Association, as the case may be.

(2) If a vacancy arises in the office of an elected member of the Board by any cause whatsoever, the District Board, the Municipal council or the Bar Association, as the case may be, shall elect a fresh member to fill the vacancy If within two months after the occurrenc of the vacancy the Dt.Board, the Ml.Cl. or the Bar Association fails to elect a member, the remaining members of the Board shall elect a member to fill the vacancy from among the members of the Dt Board, the Municipal council or the Bar Association, as the case may be.

4. The Board shall elect one of its members to be its President.

5. No business shall be transacted at any meeting of the Board unless at least three members are present.

6. Subject to the provisions of thi Scheme the Board may from time to time make bylaws for the regulation of its

proceedings, the maintenance of accounts and the like.

7. The members of the Board shall not be entitled to any pay or remuneration for their services.

8. The Fund shall be utilized for the erection of a proper public hall in Mangalore town (hereinafter called the Town Hall) for the use of the people of South Kanara District, provided that if, after the lapse of three years from the date on which the administration of the Fund is vested in the Board ~~is is~~ found that the Fund is insufficient for the said purpose or that there are objections to the carrying out of the said purpose, the Board may, with the previous approval of the Govt.of Madras, utilize the Fund for some other single purpose which is for the cultural or civic benefit of the people of South Kanara District.

9. The Board shall ~~hexdixexmkxxedxafkex~~ have the power to accept funds for the purposes of the endowment provided that such funds are unaccompanied by conditions inconsistent with the nature, purposes or provisions of this Scheme. Such funds shall be vested in the Treasurer of Charitable Endowments appointed for the Province of Madras, under the terms and conditions

as to the application thereof provided in this scheme.

10. The Board shall be dissolved after the purpose for which it is constituted has been carried out either by the erection of the Town Hall or otherwise.

11. The administration of the Town Hall or the institution which may be substituted for it under clause 8 shall, after the dissolution of the Board, be vested in the Municipal council, Mangalore which shall be responsible for the proper upkeep and maintenance of the Town Hall or the institution, as the case may be.

12. The Board, and after the dissolution of the Board, the Municipal council, Mangalore, shall maintain regular accounts of the sums received and expended on account of the Town Hall or the institution which may be substituted for it under clause 8 as the case may be.

13.(1) The Town Hall shall be permitted to be used free of charge for lawful and peaceful public functions and meetings.

(2) Without prejudice to the provisions of sub-clause (1) the Town Hall may be permitted to be used for any lawful and peaceful private function or meeting provided that reasonable rent on

a scale to be fixed by the Municipal council, Mangalore, is levied for such use.

(3) The use of the Town Hall for any of the purposes mentioned in this clause shall be subject to the rules framed, and to the conditions imposed, by the Municipal Council, Mangalore.

14. The use of the Town Hall shall not be permitted for any seditious meeting or for any meeting calculated to foment religious hatred between one community and another.

15. All income derived by way of rent ~~of~~ otherwise on account of the Town Hall shall be applied solely for the purposes of the Town Hall.

16. The amount of the Fund may from time to time be reinvested in Government securities

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24/1/38 879 28.1.38 Com. 26/1/38 25/1/38